FEDERAL REGISTER

VOLUME 13 NUMBER 197

Washington, Friday, October 8, 1948

TITLE 15—COMMERCE

Chapter I—Bureau of the Census, Department of Commerce

[Foreign Commerce Statistical Decision 69]

PART 30—FOREIGN TRADE STATISTICS

PRO FORMA DECLARATIONS REINSTATED FOR DELAYED FILING OF EXPORT DECLARATIONS FOR SHIPMENTS BY RAIL TO CANADA

Pursuant to section 4 of the Administrative Procedure Act, approved June 11, 1946 (Public Law 404, 79th Cong., 2d Sess.) the Foreign Commerce Statistical Decision indicated below is of such a nature that preliminary notice and hearing are deemed unnecessary. This decision is therefore made effective immediately.

1. Section 30.33a (b) is amended to read as follows:

§ 30.33a *Declarations for exports by railways, ferryboats, and vehicles.* * * *

(b) The collector shall not permit any car or other vehicle laden with merchandise intended for exportation to any foreign country to depart from the United States until a declaration specifying the kinds, quantities, and values of the merchandise has been delivered to him by the shipper or his agent. However, if declarations for rail shipments to Canada are not delivered to the Collector of Customs prior to departure of such shipments from the United States, immediate exportation may be permitted upon the filing of pro forma declaration therefor and the execution of a bond on Customs Form 7303 to produce the missing declarations not later than 15 calendar days after the date of exportation.

2. Section 30.38 (b) is amended to read as follows:

§ 30.38 *Car manifests; Shipper's Export Declarations.* * * *

(b) Under provisions of the act of March 3, 1893, no railway car containing commodities for export will be permitted to leave the United States until the car manifest and Shipper's Export Declarations have been delivered to the Collector of Customs; but if any declarations are missing for rail shipments to Canada, immediate exportation may be permitted upon the filing of pro forma declarations therefor and the execution of a bond on Customs Form 7303 to produce the missing declarations no later than 15 calendar days after the date of exportation.

3. Section 30.40 is amended to read as follows:

§ 30.40 *Penalty for failure to file Shipper's Export Declarations for exports by rail.* The agent or employee of any railway or transportation company who shall transport any commodities into a foreign country by rail before delivering to the Collectors of Customs the Shipper's Export Declarations covering the commodities transported as required by law shall be liable to a penalty of $50 for each offense. Such liability shall not apply in those cases where pro forma declarations have been filed and a bond executed on Customs Form 7303 to produce the missing declarations not later than the 15th calendar day after the date of exportation.

(R. S. 161, 335, 336, 337, sec. 1, 18 Stat. 352, sec. 1, 27 Stat. 197, 32 Stat. 172, sec. 4, 5, 32 Stat. 826, 827, sec. 7, 44 Stat. 572, sec. 1, 52 Stat. 8; 5 U. S. C. 22, 601, 15 U. S. C. 173, 174, 175, 176, 176a, 177, 178, 46 U. S. C. 95, 49 U. S. C. 177 (c))

This decision is effective immediately.

[SEAL] J. C. CAPT,
Director,
Bureau of the Census.

Approved: October 4, 1948.

CHARLES SAWYER,
Secretary of Commerce.

[F. R. Doc. 48-8921; Filed, Oct. 7, 1948; 8:47 a. m.]

TITLE 24—HOUSING CREDIT

Chapter VIII—Office of the Housing Expediter

[Rent Reg. for Controlled Rooms in Rooming Houses and Other Establishments,[1] Amdt. 42]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

RENT REGULATION FOR CONTROLLED ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

The Rent Regulation for Controlled Rooms in Rooming Houses and Other

[1] 13 F. R. 5750, 5769.

(Continued on p. 5877)

CONTENTS

FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, the National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1947.

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CONTENTS—Continued

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

CODIFICATION GUIDE—Con.

Establishments (§§ 825.81 to 825.92) is amended in the following respects:

1. Schedule A, item 80a, is amended to describe the counties in the Defense-Rental Area as follows: "Ada County, and in Elmore County the Cities of Mountain Home and Glenns Ferry."

2. Schedule A, item 367, is amended to describe the counties in the Defense-Rental Area as follows: "In Door County the City of Sturgeon Bay."

(Sec. 204 (c) Pub. Law 129, 80th Cong., as amended by Pub. Laws 422, 464, 80th Cong., 50 U. S. C. App. Sup. 1894 (c))

This amendment shall become effective October 8, 1948.

Issued this 5th day of October 1948.

J. WALTER WHITE,
Acting Housing Expediter.

Statement To Accompany Amendment 42 to the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments

It is the judgment of the Housing Expediter that the need for continuing maximum rents in that portion of Elmore County, State of Idaho, Boise Defense-Rental Area, which is outside the Cities of Mountain Home and Glenns Ferry, no longer exists due to the fact that the demand for rental housing accommodations has been reasonably met.

It is likewise the judgment of the Housing Expediter that the need for continuing maximum rents in that portion of Door County, State of Wisconsin, Sturgeon Bay Defense-Rental Area, which is outside the City of Sturgeon Bay, no longer exists due to the fact that the demand for rental housing has been reasonably met.

This amendment is therefore being issued to decontrol said portions of said counties in accordance with section 204 (c) of the Housing and Rent Act of 1947, as amended.

[F. R. Doc. 48-8938; Filed, Oct. 7, 1948; 8:50 a. m.]

[Controlled Housing Rent Reg.,[1] Amdt. 42]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

CONTROLLED HOUSING RENT REGULATION

The Controlled Housing Rent Regulation (§§ 825.1 to 825.12) is amended in the following respects:

1. Schedule A. Item 80a, is amended to describe the counties in the Defense-Rental Area as follows: "Ada County, and in Elmore County the Cities of Mountain Home and Glenns Ferry."

2. Schedule A, Item 367, is amended to describe the counties in the Defense-Rental Area as follows: "In Door County the City of Sturgeon Bay."

(Sec. 204 (c) Pub. Law 129 as amended by Pub. Laws 422, 464, 80th Cong., 50 U. S. C. App. Sup. 1894 (c))

This amendment shall become effective October 8, 1948.

Issued this 5th day of October 1948.

J. WALTER WHITE,
Acting Housing Expediter.

Statement To Accompany Amendment 42 to the Controlled Housing Rent Regulation

It is the judgment of the Housing Expediter that the need for continuing maximum rents in that portion of Elmore County, State of Idaho, Boise Defense-Rental Area, which is outside the Cities of Mountain Home and Glenns Ferry, no longer exists due to the fact that the demand for rental housing accommodations has been reasonably met.

It is likewise the judgment of the Housing Expediter that the need for continuing maximum rents in that portion of Door County, State of Wisconsin, Sturgeon Bay Defense-Rental Area, which is outside the City of Sturgeon Bay, no longer exists due to the fact that the demand for rental housing has been reasonably met.

This amendment is therefore being issued to decontrol said portions of said counties in accordance with section 204 (c) of the Housing and Rent Act of 1947, as amended.

[F. R. Doc. 48-8937; Filed, Oct. 7, 1948; 8:49 a. m.]

[1] 13 F. R. 5706, 5788.

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Supp. 6]

PART 61—SCHEDULED AIR CARRIER RULES

GENERAL; CAA SPECIFICATIONS

Correction

In F. R. Document 48-8827, appearing in the issue for Tuesday, October 5, 1948, on page 5808 make the following change in paragraph (c) in the second column, under "CAA Specifications." The word "transferred" in the first line should read "transmitted."

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter A—Income and Excess Profits Taxes

[T. D. 5657]

PART 19—INCOME TAX UNDER THE INTERNAL REVENUE CODE; TAXABLE YEARS ENDING DECEMBER 31, 1941

PART 29—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

TIME FOR CLAIMING REFUND WITH RESPECT TO WAR LOSSES

In order to conform Regulations 103 (26 CFR, Part 19) and Regulations 111 (26 CFR, Part 29) to Public Law 828, 80th Congress, approved June 29, 1948, such regulations are amended as follows:

PARAGRAPH 1. There is inserted immediately preceding § 19.322-1, Regulations 103, and immediately preceding § 29.322-1, Regulations 111, the following:

PUBLIC LAW 828 (80TH CONGRESS), APPROVED JUNE 29, 1948

EXTENSION OF TIME FOR CLAIMING CREDIT OR REFUND WITH RESPECT TO WAR LOSSES

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That if a claim for credit or refund under the internal-revenue laws relates to an overpayment on account of the deductibility by the taxpayer of a loss in respect of property considered destroyed or seized under section 127 (a) of the Internal Revenue Code, relating to war losses, for a taxable year beginning in 1941 or 1942, the three-year period of limitation prescribed in section 322 (b) (1) of the Internal Revenue Code shall in no event expire prior to December 31, 1949. In the case of such a claim filed on or before December 31, 1949, the amount of the credit or refund may exceed the portion of the tax paid within the period provided in section 322 (b) (2) or (3) of the Internal Revenue Code, whichever is applicable, to the extent of the amount of the overpayment attributable to the deductibility of the loss described in this section.

PAR. 2. Section 19.322-7, Regulations 103, as amended by Treasury Decision 5645, approved July 20, 1948, and § 29.322-7, Regulations 111, as amended by said Treasury Decision 5645, are further amended by striking out in the last sentence of paragraph (a) of each such section the following: "Public Law 356 (80th Congress), approved August 4, 1947, extending to December 31, 1948," and by inserting in lieu thereof the following: "Public Law 828 (80th Congress), approved June 29, 1948, extending to December 31, 1949,"

(53 Stat. 32; 26 U. S. C. 62)

Because the amendments made by this Treasury decision merely change the date, from that specified by prior law to that now specified by Public Law 828 (80th Congress) approved June 29, 1948, on which the extension of time for filing certain claims for credit or refund with respect to war losses expires, it is hereby found that it is unnecessary to issue this Treasury decision with notice of public procedure thereon under section 4 (a) of the Administrative Procedure Act, ap-

proved June 11, 1946, or subject to the effective date limitation of section 4 (c) of said act.

[SEAL] GEO. J. SCHOENEMAN,
Commissioner of Internal Revenue.

Approved: October 1, 1948.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 48-8961; Filed, Oct. 7, 1948; 8:56 a. m.]

Subchapter B—Estate and Gift Taxes

[T. D. 5658]

PART 81—REGULATIONS RELATING TO ESTATE TAX

POWERS OF APPOINTMENT

In order to conform Regulations 105 (26 CFR, Part 81) to sections 1 and 2 of Public Law 635 (80th Congress, 2d Sess.) approved June 12, 1948, such regulations are amended as follows:

PARAGRAPH 1. There is inserted immediately following Public Law 112 (80th Congress, 1st Sess.) which was inserted in such regulations by Treasury Decision 5577, approved September 30, 1947, and before section 302 (f) of the Revenue Act of 1926 (as originally enacted) as set forth preceding § 81.24, the following:

PUBLIC LAW 635 (80TH CONGRESS, 2D SESSION), APPROVED JUNE 12, 1948

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 403 (d) (3) of the Revenue Act of 1942 (relating to the release of certain powers of appointment) is hereby amended by striking out "July 1, 1948" wherever it appears and inserting in lieu thereof "July 1, 1949" * * *

SEC. 2. For the purposes of sections 403 * * * of the Revenue Act of 1942, a power to appoint created by a will executed on or before October 21, 1942, shall be considered a power created on or before such date if the person executing such will dies before July 1, 1949, without having republished such will, by codicil or otherwise, after October 21, 1942.

PAR. 2. Section 81.24 (b) added by Treasury Decision 5239, approved March 10, 1943, as amended by Treasury Decision 5577, approved September 30, 1947, is further amended as follows:

(A) By striking out "June 30, 1948" wherever it appears and inserting thereof "June 30, 1949"

(B) By striking from the first sentence of subparagraph (3) "(as amended by Public Law 112 (80th Congress) approved June 25, 1947)" and inserting in lieu thereof the following: "(as amended by Public Law 635, (80th Congress) approved June 12, 1948)"

(C) By striking out "July 1, 1948" wherever it appears and inserting in lieu thereof "July 1, 1949"

(D) By inserting in paragraph (b) (3) immediately preceding the second paragraph beginning with the words "In the case of a power created on or before October 21, 1942" the following:

Section 2 of Public Law 635, approved June 12, 1948, provides that for the purpose of section 403 of the Revenue Act of 1942, a power to appoint created by a will executed on or before October 21, 1942, shall be considered a power created on or before such date if the person executing such will dies before July 1, 1949, without having republished such will, by codicil or otherwise, after October 21, 1942. This provision applies as if made effective by section 403 of the Revenue Act of 1942, and the application of the tax with respect to a power to appoint so created is therefore subject to the exceptions stated in section 403 (d) of such act.

Because the purpose of this Treasury decision is merely to conform the regulations to the provisions of sections 1 and 2 of Public Law 635 (80th Congress, 2d Session) which afford relief to persons possessed of powers of appointment created on or before October 21, 1942 (including powers created by a will executed on or before such date and not republished thereafter) it is found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946 or subject to the effective date limitation of section 4 (c) of said act.

This Treasury decision shall be effective upon its filing for publication in the FEDERAL REGISTER.

(53 Stat. 467, secs. 1, 2, Pub. Law 635, 80th Cong., 26 U. S. C. 3791)

[SEAL] GEO. J. SCHOENEMAN,
Commissioner of Internal Revenue.

Approved: October 1, 1948.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 48-8960; Filed, Oct. 7, 1948; 8:56 a. m.]

[T. D. 5659]

PART 86—GIFT TAX UNDER CHAPTER 4 OF THE INTERNAL REVENUE CODE, AS AMENDED

POWERS OF APPOINTMENT

In order to conform Regulations 108 (26 CFR, Part 86) to sections 1 and 2 of Public Law 635 (80th Congress, 2d Sess.) approved June 12, 1948, such regulations are amended as follows:

PARAGRAPH 1. There is inserted immediately following Public Law 112 (80th Congress, 1st Sess.) which was inserted by Treasury Decision 5606, approved March 4, 1948, and immediately preceding § 86.1, the following:

PUBLIC LAW 635 (80TH CONGRESS, 2D SESSION), APPROVED JUNE 12, 1948

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That * * * section 452 (c) of the Revenue Act of 1942 is hereby amended to read as follows:

"(c) *Release before July 1, 1949.* (1) A release of a power to appoint before July 1, 1949, shall not be deemed a transfer of property by the individual possessing such power.

"(2) This subsection shall apply to all calendar years prior to 1949 and to that part of the calendar year 1949 prior to July 1, 1949."

SEC. 2. For the purposes of sections * * * 452 of the Revenue Act of 1942, a power to appoint created by a will executed on or before October 21, 1942, shall be considered a power created on or before such date if the person executing such will dies before July 1, 1949, without having republished such will, by codicil or otherwise, after October 21, 1942.

PAR. 2. Section 86.1, as amended by Treasury Decision 5606, approved March 4, 1948, is further amended by striking from the second sentence "July 1, 1948" and inserting in lieu thereof "July 1, 1949".

Par. 3. Section 86.2 (b), as amended by Treasury Decision 5606, is further amended as follows:

(A) By striking out "July 1, 1948" wherever it appears and inserting in lieu thereof "July 1, 1949"

(B) By striking out "as amended by Public Law 112 (80th Congress), approved June 25, 1947" wherever it appears and inserting in lieu thereof the following: "as amended by Public Law 635 (80th Congress) approved June 12, 1948"

(C) By inserting immediately following the second sentence of the first paragraph thereof the following: "Section 2 of Public Law 635, approved June 12, 1948, provides that for the purpose of section 452 of the Revenue Act of 1942, a power to appoint created by a will executed on or before October 21, 1942, shall be considered a power created on or before such date if the person executing such will dies before July 1, 1949, without having republished such will, by codicil or otherwise, after October 21, 1942. This provision applies as if made effective by section 452 of the Revenue Act of 1942, and the application of the tax with respect to a power to appoint so created is therefore subject to the exceptions stated in section 452 (b) and (c) of such act."

Because the purpose of this Treasury decision is merely to conform the regulations to the provisions of sections 1 and 2 of Public Law 635 (80th Congress, 2d Sess.), which afford relief to persons possessed of powers of appointment created on or before October 21, 1942 (including powers created by a will executed on or before such date and not republished thereafter) it is found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946 or subject to the effective date limitation of section 4 (c) of said act.

This Treasury decision shall be effective upon its filing for publication in the FEDERAL REGISTER.

(53 Stat. 157, 467, secs. 1, 2, Pub. Law 635, 80th Cong., 26 U. S. C. 1029, 3791)

[SEAL] GEO. J. SCHOENEMAN,
Commissioner of Internal Revenue.

Approved: October 1, 1948.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 48-8959; Filed, Oct. 7, 1948; 8:55 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter I—Monetary Offices, Department of the Treasury

[1948 Dept. Circ. No. 1]

PART 129—VALUES OF FOREIGN MONEYS

QUARTER BEGINNING OCT. 1, 1948

§ 129.11 *Calendar year 1948.* * * *

(d) *Quarter beginning October 1, 1948.* Pursuant to section 522, Title IV, of the Tariff Act of 1930, reenacting section 25 of the act of August 27, 1894, as amended, the following estimates by the Director of the Mint of the values of foreign monetary units are hereby proclaimed to be the values of such units in terms of the money of account of the United States that are to be followed in estimating the value of all foreign merchandise exported to the United States during the quarter beginning October 1, 1948, expressed in any such foreign monetary units: *Provided, however,* That if no such value has been proclaimed, or if the value so proclaimed varies by 5 per centum or more from a value measured by the buying rate in the New York market at noon on the day of exportation, conversion shall be made at a value measured by such buying rate as determined and certified by the Federal Reserve Bank of New York and published by the Secretary of the Treasury pursuant to the provisions of section 522, Title IV, of the Tariff Act of 1930.

The value of foreign monetary units, as shown below in terms of United States money, is the ratio between the legal gold content of the foreign unit and the legal gold content of the United States dollar. It should be noted that this value, with respect to most countries, varies widely from the present exchange rates. Countries not having a legally defined gold monetary unit, or those for which current information is not available, are omitted.

Country	Monetary unit	Value in terms of U. S. money	Remarks
Canada and Newfoundland	Dollar	$1.0331	Redemption of notes into gold suspended. Export of gold prohibited except under license.
Colombia	Peso	.5714	Present gold content of 0.59424 grams of gold 9/10 fine established by law of Nov. 19, 1933, effective Nov. 20, 1933. Obligation to sell gold suspended Sept. 24, 1931.
Costa Rica	Colon	.1781	Parity of 0.168297 fine gram gold established by decree law effective Mar. 22, 1947.
Denmark	Krone	.4537	Conversion of notes into gold suspended Sept. 29, 1931.
Dominican Republic	Peso	1.0000	By Monetary Law No. 1628 effective Oct. 9, 1947, gold content of peso equal to 0.888671 gram fine.
Ethiopia	Dollar	.4025	New unit established by Proclamation of the Emperor on May 23, 1945, effective July 23, 1945.
Finland	Markka	.0428	Conversion of notes into gold suspended Oct. 12, 1931.
Guatemala	Quetzal	1.0000	Decree No. 203 of Dec. 10, 1945, defined the monetary unit as 15 5/21 grains gold 9/10 fine. Conversion of notes into gold suspended Mar. 6, 1933.
Haiti	Gourde	.2000	National bank notes redeemable on demand in U. S. dollars.
Hungary	Forint	.0352	New unit based on 13,210 forint per kilogram fine gold, effective July 1946.
Ireland	Pound	8.2397	Conversion of notes into gold suspended Sept. 21, 1931.
Peru	Sol	.4740	Conversion of notes into gold suspended May 18, 1932; exchange control established Jan. 23, 1945.
Philippines	Peso	.5000	Act of Mar. 10, 1935; agreement between U. S. and Philippines concerning trade and related matters based on Philippine Trade Act of 1946.
Sweden	Krona	.4537	Conversion of notes into gold suspended Sept. 29, 1931.
Union of Soviet Socialist Republics	Ruble	.1951	On basis of 5.6597 rubles per gram of fine gold.
Uruguay	Peso	.6583	Present gold content of 0.658018 grams fine established by law of Jan. 18, 1938. Conversion of notes into gold suspended Aug. 2, 1914; exchange control established Sept. 7, 1931.
Venezuela	Bolivar	.3267	Exchange control established Dec. 12, 1939.

(Sec. 25, 28 Stat. 552; sec. 403, 42 Stat. 17; sec. 522, 42 Stat. 974; sec. 522, 46 Stat. 739; 31 U. S. C. 372)

[SEAL] E. H. FOLEY, Jr.,
Acting Secretary of the Treasury.

OCTOBER 1, 1948.

[F. R. Doc. 48-8958; Filed, Oct. 7, 1948; 8:55 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter XXIV—Department of State, Disposal of Surplus Property

[Department Reg. 108.76; FLC Reg. 8, Amdt. 3]

PART 8508—DISPOSAL OF SURPLUS PROPERTY LOCATED IN FOREIGN AREAS

DESIGNATION OF DISPOSAL AGENCY

Correction

In F. R. Document 48-8865, appearing in the issue for Wednesday, October 6, 1948, on page 5824, change the last sentence in § 8508.3 to read "All dispositions of property made under this proviso by the owning agencies will be subject to the import restrictions of § 8508.15 and orders issued pursuant to § 8508.15."

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

MUD SLOUGH, CALIFORNIA

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), § 203.712 is hereby amended by rescinding paragraph (a) and substituting the following in lieu thereof:

§ 203.712 *Tributaries of San Francisco Bay and San Pablo Bay, Calif.*—(a) *Mud Slough; Southern Pacific Company railroad bridge near Alviso.* At least 24 hours' advance notice required.

* * * * *

[Regs. 21 Sept. 1948, 823 (Coyote Creek—Alviso, Calif.—Mile 4) ENGWR] (28 Stat. 362; 33 U. S. C. 499)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 48-8943; Filed, Oct. 7, 1948; 8:51 a. m.]

TITLE 34—NATIONAL MILITARY ESTABLISHMENT

Subtitle A—Secretary of Defense

PART 70 — STANDARDS FOR DISCHARGE UNDER THE SELECTIVE SERVICE ACT OF 1948

SUBPART A—PHYSICAL AND MENTAL

Sec.
70.1 Physical profile serial determining for discharge.
70.2 Policy governing discharge for medical reasons.

SUBPART B—OTHER THAN PHYSICAL AND MENTAL

TYPES OF DISCHARGE

70.3 Honorable.
70.4 General.
70.5 Undesirable.
70.6 Bad conduct.
70.7 Dishonorable.

REASONS FOR HONORABLE OR GENERAL DISCHARGE

70.8 Expiration of enlistment or required service.
70.9 Convenience of the Government.
70.10 Dependency, hardship.
70.11 Minority.
70.12 Disability.

ADDITIONAL REASONS FOR GENERAL DISCHARGE

70.13 Unsuitability.
70.14 Inaptitude.
70.15 Discharge for unsuitability or inaptitude not to be recommended in lieu of punishment.

REASONS FOR UNDESIRABLE DISCHARGE

70.16 Unfitness.
70.17 Discharge for unfitness act to be recommended in lieu of punishment.
70.18 Misconduct.

AUTHORITY: §§ 70.1 to 70.18 issued under sec. 4 (b), Pub. Law 759, 80th Cong.

SUBPART A—PHYSICAL AND MENTAL

§ 70.1 *Physical profile serial determining for discharge.* No person, whether enlisted or inducted, will be discharged for medical reasons by any military department, during the life of the Selective Service Act, if his reclassified physical profile serial is at the minimum or higher than the minimum profile serial acceptable for induction under Army Regulations 40-115—"Physical standards and physical profiling for enlistment and induction" No list of specific injuries, diseases or other medical conditions will be established "as cause of discharge for physical disability" and the medical evaluation (physical profile serial) of the person's physical capacity will be determining for discharge in the same manner as for induction.

§ 70.2 *Policy governing discharge for medical reasons.* The following joint statement of policy will govern: to wit, an individual shall be discharged from

the Armed Services for medical reasons only:

(a) When in the judgment and opinion of competent medical personnel he has become functionally incapable of performing useful duty during the remainder of his services with due consideration given to whether his scaled-down physical profile serial is consistent with any assignment wherein he could perform useful work within the military department in which he is serving.

(b) Or when he has a medical condition of such nature that, in the opinion of competent medical personnel, to retain him for further active duty would aggravate such condition to the detriment of his future health and well-being.

(c) Or when his retention would, in the opinion of competent medical personnel, jeopardize the health or safety of his service associates.

SUBPART B—OTHER THAN PHYSICAL AND MENTAL

TYPES OF DISCHARGE

§ 70.3 *Honorable.* (a) An enlisted or an inducted person discharged for any one of the following reasons may be entitled to an Honorable Discharge:

(1) Expiration of enlistment,

(2) Convenience of the government,

(3) Dependency-hardship,

(4) Minority,

(5) Disability, provided he has rendered excellent service and further fulfills certain other conditions herein stated. Excellent service is defined as proficient in rating or grade, industrious and possessing a good conduct record.

(b) In determining excellent service the following criteria will be used:

(1) Army and Air Force—all character ratings as a soldier of at least "very good" and all efficiency ratings as a soldier of at least "excellent".

(2) Navy—a minimum final average of 2.75 in proficiency and 3.25 in conduct;

(3) Marine Corps—a minimum final average of 3.44 in proficiency and 4.0 in conduct;

(4) Coast Guard—same as Navy.

(c) In addition to the foregoing requirement, ordinarily, an Honorable Discharge will not be issued an individual, by any of the Armed Services, if the person concerned has been convicted of an offense by General Court-Martial or has been convicted by more than one Summary Court-Martial (Navy, Marine Corps and Coast Guard) or Special Court Martial (Army and Air Force) in his current enlistment, period of induction or any extensions thereof. However, regardless of an individual's previous record a man who has received a decoration or award of a Commendation ribbon or higher, including a life-saving medal, is entitled to an Honorable Discharge provided his record, subsequent to the act for which he was decorated, awarded, or commended would so entitle him. Also, an individual discharged as a result of a disability incurred in line of duty and resulting from action against an enemy, shall normally be given an Honorable Discharge regardless of his previous record.

§ 70.4 *General.* This type of discharge is a separation from the Service "under honorable conditions." It is given for the same reasons as an Honorable Discharge and is issued to an individual whose conduct and performance of duty have been satisfactory but not sufficiently deserving or meritorious to warrant an Honorable Discharge. It is also given for the additional reasons of inaptitude and unsuitability.

§ 70.5 *Undesirable.* This type of discharge is a separation from the Service under conditions other than honorable. It is given for the following reasons: (a) Unfitness, (b) misconduct.

§ 70.6 *Bad conduct.* This type of discharge is a separation from the Service under conditions other than honorable. Bad Conduct Discharges may be given only by approved sentences of General Courts-Martial or Summary Courts-Martial (Navy, Marine Corps and Coast Guard) or Special Courts-Martial (Army and Air Force) and are appropriate for offenses that warrant separation as included punishment but are not of a sufficiently grave nature to warrant dishonorable separation.

NOTE: For Army and Air Forces the issuance of the Bad Conduct Discharge will not become effective until February 1, 1949. (See Title II, sec. 244 of Public Law 759.)

§ 70.7 *Dishonorable.* This type of discharge by its own connotation denotes that it is a separation from the Service under dishonorable conditions. Dishonorable discharges may be given only by approved sentences of General Courts-Martial and are appropriate for serious offenses warranting dishonorable separation as included punishment.

REASONS FOR HONORABLE OR GENERAL DISCHARGE

§ 70.8 *Expiration of enlistment or required service.* Service must be excellent for Honorable Discharge or satisfactory for General Discharge. (See §§ 70.3 and 70.4 for general requirements.)

§ 70.9 *Convenience of the Government.* Service must be excellent for Honorable Discharge or satisfactory for General Discharge. (See §§ 70.3 and 70.4.)

(a) *Purposes.* (1) General demobilization or reduction in authorized strength;

(2) To accept a commission or appointment in any branch of the armed services—for active duty only.

(3) To accept appointment and entrance in either the Military, Naval or Coast Guard Academy.

(4) National health, safety or interest only when recommended by a Government agency authorized to make such recommendation and determination;

(5) Immediate reenlistment in the regular branch of the service in which serving, provided reenlistment is for a term of service more than required to serve under his existing obligation;

(6) Erroneous induction when so stated by the Office of the Director of the Selective Service System;

(7) Other good and sufficient reason when determined by the Secretary of the service concerned.

§ 70.10 *Dependency, hardship.* Service must be excellent for Honorable Discharge or satisfactory for General Discharge. Discharge may be directed when it is considered that undue and genuine dependency or hardship exists, that the hardship or dependency is not of a temporary nature, and that the conditions have arisen or been aggravated to an excessive degree since entry into the Service and the man has made every reasonable effort by means of application for Family Allowance and voluntary contributions which have proven inadequate; that the discharge of the individual will result in the elimination of, or will materially alleviate the condition and that there are no means of alleviation readily available other than by such discharge.

§ 70.11 *Minority.* Service must be excellent for Honorable Discharge or satisfactory for General Discharge.

(a) *Enlistee.* Persons between the ages of eighteen and nineteen years of age accepted for one year enlistment or persons between the ages of nineteen and twenty-six enlisted in the regular Army (sec. 4 (c), Pub. Law 759—80th Cong.)

(1) If under seventeen years of age when verified—discharge.

(2) If having passed his seventeenth birthday but not his eighteenth birthday when verified—discharge—upon application of parent or legal guardian.

(3) If he has passed his eighteenth birthday when verified—retain if otherwise qualified.

(b) *Inductees.* (1) If under seventeen years of age when verified—discharge.

(2) If having passed his seventeenth birthday but not his eighteenth birthday when verified—discharge—upon application of parent or legal guardian.

(3) If he has passed his eighteenth birthday when verified—retain if otherwise qualified.

(4) If over twenty-six years of age when inducted, and the Selective Service Agency does not report the induction as erroneous—retain if otherwise qualified for service until so reported by the Selective Service Agency.

(5) If Selective Service reports an induction as erroneous the individual concerned shall be discharged for the convenience of the government.

§ 70.12 *Disability.* Service must be excellent for Honorable Discharge or satisfactory for General Discharge. (See §§ 70.3 and 70.4.) Standards for discharge because of disability are being studied by a sub-committee of the Munitions Board.

ADDITIONAL REASONS FOR GENERAL DISCHARGE

§ 70.13 *Unsuitability.* Service must be satisfactory. Discharge for this reason will be effected to rid the services of persons considered unsuitable because of:

(a) Psychiatric or neurological handicaps, enuresis, personality defects and disorders subject to the physical and mental standards established by the Munitions Board and approved by the Secretary of Defense;

(b) Other good and sufficient reason when determined by administrative process.

§ 70.14 *Inaptitude.* Service must be satisfactory. Discharge for this reason will be effected when it it determined the person does not possess the required degree of adaptability to service life after reasonable attempts have been made to reclassify and reassign him in keeping with his abilities and qualifications. This category includes persons whose inaptness may be due to lack of general fitness, want of readiness or skill or unhandiness.

§ 70.15 *Discharge for unsuitability or inaptitude not to be recommended in lieu of punishment.* Individuals shall not be recommended for discharge for unsuitability or inaptitude in lieu of punishment. If doubt exists as to the existence of a mental or physical disability as a cause of unsuitability or inaptitude the man shall be brought before a Board of Medical Examiners. Before making or recommending a discharge for unsuitability or inaptitude, the commanding officer shall investigate the case after giving the man concerned an opportunity to make any statement in his own behalf that he may desire.

REASONS FOR UNDESIRABLE DISCHARGE

§ 70.16 *Unfitness.* A person may be discharged for unfitness only after he has already demonstrated that he is totally unfit for further retention. In this category are persons who:

(a) Given evidence of habits or traits of character manifested by anti-social or amoral trends, chronic alcoholism, criminalism, drug addiction, pathological lying, sexual perversion, homosexuality, or misconduct;

(b) Are of unclean habits, including repeated venereal infections;

(c) Repeatedly commit petty offenses not necessitating trial by court-martial;

(d) Are habitual shirkers;

(e) Who are recommended for discharge by a Board of Medical Examiners, not because of a physical or mental disability but rather because they possess personality disorders or defects or are classified as having "no disease" by the Board and their records of service reveal that they have been frequently in a disciplinary status because of infractions of regulations and commission of offenses, and/or it is clearly evident their complaints are unfounded and are made with the intent of avoiding service.

§ 70.17 *Discharge for unfitness not to be recommended in lieu of punishment.* A man shall not be discharged for unfitness in lieu of punishment. Before recommending such a discharge each case shall be thoroughly investigated. The man concerned shall be informed of the contemplated actions and the reasons therefor, and shall be given an opportunity to appear and present any fact or make any statement in his own behalf he may desire. If any doubt exists as to the existence of a mental or physical disability as the cause of unfitness, the man shall be brought before a Board of Medical Examiners.

§ 70.18 *Misconduct.* (a) A person may be discharged for misconduct for any of the following reasons:

(1) An individual who has deserted or has been AWOL and where trial is barred by the Statute of Limitations;

(2) An individual who has deserted or been AWOL and whose trial is not barred by the Statute of Limitations, but who upon examination is found not physically or mentally competent to stand trial where evidence indicates competence at time of desertion;

(3) An individual convicted by civil authorities of a criminal offense where the offense which he has been convicted may be punished by death, or by imprisonment for a term exceeding one year;

(4) An individual who has perpetrated a fraudulent enlistment; this includes persons who conceal (i) prior police records, (ii) previous service in any branch of the Armed Services and separation therefrom was under other than honorable conditions. In cases of persons who have been inducted and such records would not have precluded their induction had they been known by Selective Service, at the time of induction, they may be retained if otherwise qualified; (iii) physical defect, if it is established or evident that such concealment was the purpose of defrauding the government, that is, obtaining certain veterans' preferences or hospitalization or position to which he would not otherwise be entitled.

(b) The enlistment of a minor with false representations as to age, or without consent, will not alone be considered a fraudulent enlistment.

JAMES FORRESTAL,
Secretary of Defense.

[F. R. Doc. 48-8924; Filed, Oct. 7, 1948; 8:47 a. m.]

PART 71—ORGANIZED UNIT AND SATISFACTORY PARTICIPATION THEREIN DEFINED

Sec.
71.1 Organized unit.
71.2 Satisfactory participation in an organized unit.

§ 71.1 *Organized unit.* For purposes of the definition of an "organized unit" of a reserve component under section 16 (h) of the Selective Service Act of 1948, thirty-five (35) scheduled drills, or training periods, or days of active Federal service, or any combination thereof, per year, are hereby prescribed as a minimum requirement. (Secs. 6 (c) (1), 16 (h), Pub. Law 759, 80th Cong.)

§ 71.2 *Satisfactory participation in an organized unit.* The Secretary of the Department concerned shall determine for the respective reserve components of that Department what constitutes satisfactory participation in such organized units in accordance with existing law: *Provided however,* That for purposes of satisfactory attendance in an organized unit within the meaning of section 6 (c) (1) of the Selective Service Act of 1948, not more than ten (10) percent absence per year from scheduled drills or training periods, or periods of equivalent instruction, shall be permitted by any Department. (Secs. 6 (c) (1), 16 (h), Pub. Law 759, 80th Cong.)

JAMES FORRESTAL,
Secretary of Defense.

JULY 7, 1948.

[F. R. Doc. 48-8923; Filed, Oct. 7, 1948; 8:47 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Subchapter A—Alaska

[Circular 1639]

PART 64—HOMESITES OR HEADQUARTERS

PURCHASE OF TRACTS NOT EXCEEDING 5 ACRES, OR SHOWING AS TO EMPLOYMENT OR BUSINESS

1. The second paragraph of § 64.4 and the section headnote of that section are amended and a footnote is added to the section as follows:

§ 64.4 *Form and contents of application.*[1] * * *

An application need not be under oath but must be signed by the applicant and corroborated by the statements of two persons and must show the following facts: Purchase of tracts not exceeding 5 acres without showing as to employment or business.

2. The second sentence of the first paragraph of § 64.7 is amended and made the second paragraph of the section, and a footnote is added to the section as follows:

§ 64.7 *Form and contents of application.*[1] * * *

An application need not be under oath but must be signed by the applicant and corroborated by the statements of two persons and must show the following facts:

3. A new section is added, as follows:

§ 64.7a *Applications by veterans of World War II.* Upon the restoration or opening of surveyed public lands in Alaska with a preference right of application to veterans of World War II pursuant to section 4 of the act of September 27, 1944 (58 Stat. 748; 43 U. S. C. 282), as amended, such veterans may file applications for home or headquarter sites on such lands under the act of May 26, 1934 (48 Stat. 809, 48 U. S. C. 461) Preference right applications filed by such veterans must describe the land desired in terms of the public land surveys and must give all of the information required by § 64.7, except as to the erection of a habitable house on the land and compliance with the law in the matter of residence. No payment will be required until proof of compliance with the residence requirements has been made. Such an applicant will be required to establish residence upon the land in a

[1] Section 35 (A) of the Criminal Code (18 U. S. C. 80) makes it a crime for any person knowingly and willfully to submit or cause to be submitted to any agency of the United States any false or fraudulent statement as to any matter within its jurisdiction.

habitable house within six months from the date of the notice of the allowance of his application. An extension of time to establish residence may be granted under the conditions under which it may be granted to a homestead entryman. During the first year after establishing residence the claimant will be required to reside upon the land for a period of at least 5 months. He may claim credit on the period of residence required by the act of May 26, 1934, for military or naval service in like manner as is provided in the case of homestead entries.

(44 Stat. 1364, 48 Stat. 809; 48 U. S. C. 461)

MARION CLAWSON,
Director

Approved: October 4, 1948.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior

[F. R. Doc. 48-8946; Filed, Oct. 7, 1948; 8:53 a. m.]

Subchapter X—Trespass

[Circular 1698]

PART 288—GENERAL TRESPASS REGULATIONS

The last sentence of § 288.7, relating to the mining of coal by a permittee, is amended to read as follows: "However, where a permittee applies, prior to the expiration of his permit, for a lease, the mining of coal by him from the date of the filing of the lease application to the date of the issuance of the lease, or, if the lease application is rejected, to the date of notice to him of the final rejection of his application does not constitute a trespass."

(R. S. 453, 2478; 43 U. S. C. 2, 1201)

MARION CLAWSON,
Director

Approved: September 30, 1948.

C. GIRARD DAVIDSON,
Acting Secretary of the Interior

[F. R. Doc. 48-8945; Filed, Oct. 7, 1948; 8:53 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter Q—Alaska Commercial Fisheries

PART 208—KODIAK AREA FISHERIES

HERRING CATCH LIMITATIONS; EXCEPTIONS

Basis and purpose. Continued investigations by field biologists of the Fish and Wildlife Service reveals that the herring population of the Kodiak Island region is sufficiently abundant to warrant the further withdrawal of an additional 30,000 barrels. Accordingly, to increase the herring catch quota in the Kodiak region, § 208.25 is amended as follows:

Section 208.25 *Herring catch limitation, exceptions,* is hereby amended by deleting therefrom "360,000 barrels" and substituting in lieu thereof "390,000 barrels"

The present quota of 360,000 barrels has already been reached. Therefore to avoid further delay to the industry this amendment to the regulations shall become effective immediately upon publication in the FEDERAL REGISTER.

(Sec. 1, 44 Stat. 752, as amended; 48 U. S. C. 221, sec. 4 (e), Reorg. Plan No. II of 1939, 4 F R. 2731, 3 CFR Cum. Supp.)

WILLIAM E. WARNE,
Assistant Secretary of the Interior

OCTOBER 4, 1948.

[F. R. Doc. 48-8922; Filed, Oct. 7, 1948; 8:47 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Bureau of Internal Revenue

[26 CFR, Part 35]

EXTENSION OF TIME FOR ASSESSMENT OF DEFERRED EXCESS PROFITS TAX

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority of section 62 of the Internal Revenue Code (53 Stat. 32; 26 U. S. C., 62) as made applicable by section 729 (a) of the Internal Revenue Code (54 Stat. 989; 26 U. S. C., 729 (a))

[SEAL] GEO. J. SCHOENEMAN,
Commissioner of Internal Revenue.

In order to conform Regulations 112 (26 CFR, Part 35) to section 3 of Public Law 635 (80th Congress) approved June 12, 1948, such regulations are amended as follows:

PARAGRAPH 1. There is inserted immediately before § 35.710-1 the following:

SEC. 3. EXTENSION OF TIME FOR ASSESSMENT OF DEFERRED EXCESS PROFITS TAX. (Public Law 635 (80th Congress), approved June 12, 1948.)

(a) Section 710 (a) (5) of the Internal Revenue Code is hereby amended by adding at the end thereof the following: "Notwithstanding any other provision of law or rule of law, to the extent that any amount of tax remaining unpaid pursuant to this paragraph is in excess of the reduction in tax finally determined under section 722, such excess may be assessed at any time before the expiration of one year after such final determination."

(b) The amendment made by this section shall be effective as if made by section 222 (b) of the Revenue Act of 1942.

SEC. 201. TAXABLE YEARS TO WHICH AMENDMENTS APPLICABLE. (Revenue Act of 1942, Title II—applicable to section 222 (b), Revenue Act of 1942.)

Except as otherwise expressly provided, the amendments made by this title shall be applicable only with respect to taxable years beginning after December 31, 1941.

PAR. 2. Section 35.710-5, as amended by Treasury Decision 5490, approved January 24, 1946, is further amended by adding at the end thereof the following new paragraph:

If the taxpayer defers under section 710 (a) (5) payment of an amount in excess of the reduction in tax finally determined under section 722, such excess may be assessed at any time before the expiration of one year after such final determination. Such assessment may be made regardless of whether the assessment of a deficiency for such taxable year is otherwise barred by the running of any period of limitations, by the decision of any court, including The Tax Court, or by any other provision (such as section 272 (f)) or rule of law. The reduction in tax under section 722 is finally determined, in cases in which the Commissioner's action is subject to review by The Tax Court under section 732, upon the expiration of the period for filing petition for review with The Tax Court or, if such petition is filed, upon the decision of The Tax Court becoming final, and in all other cases upon the Commissioner's sending notice by registered mail to the taxpayer of his final action on the application for relief under section 722. If the Commissioner should, at the request of the taxpayer, agree because of unusual circumstances to reconsider his action on an application, the immediately preceding sentence shall be applied with respect to the Commissioner's second determination.

PAR. 3. Section 35.729-2 is amended by adding at the end thereof the following new sentence: "For special rules with respect to cases in which the payment of excess profits tax is deferred under section 710 (a) (5) see § 35.710-5."

[F. R. Doc. 48-8957; Filed, Oct. 7, 1948; 8:54 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR, Part 3]

[Docket No. 9154]

STANDARDS OF GOOD ENGINEERING PRACTICE CONCERNING STANDARD BROADCAST STATIONS

NOTICE OF PROPOSED RULE MAKING

1. Notice is hereby given of proposed rule making in the above entitled matter.

2. On the basis of studies that have been made, it is proposed to revise that portion of the Standards of Good Engineering Practice concerning Standard Broadcast Stations which deals with the method of computing groundwave field intensity contours where the radiated signal from a transmitter traverses a path having more than one ground conductivity. It is proposed to change the title of Annex 1 to "Groundwave Signals" and to delete paragraph 4 of Annex 1 of the Standards of Good Engineering Practice concerning Standard Broadcast Stations (Page 8) and to substitute the text set out in paragraph 4 below.

3. It is believed that the use of the method described below in making groundwave field intensity calculations gives results more in keeping with the facts as determined by actual field measurements than either the so called "two-thirds rule" or the "decibel" method described in the present Standards, and in addition, it is sufficiently simple for practical application. This method (commonly referred to as the Kirke Method) was described in an unpublished report by H. L. Kirke of the British Broadcasting Corporation in 1943. The report, based on measurement and observation, sets forth in detail the manner of calculation. The Kirke method is presently used by the B. B. C. in predicting groundwave propagation.

4. The proposed text would read as follows:

Where a signal traverses a path over which different conductivities are shown to exist or are given by the map, the distance to a particular groundwave field intensity contour shall be determined by the use of the Kirke method.[14] According to this method a wave is considered to be propagated across a given conductivity according to the curve for a homogeneous earth of that conductivity. When the wave crosses from a region of one conductivity into a region of a second conductivity the equivalent distance of the receiving point from the transmitter changes abruptly but the field intensity does not. From a point just inside the second region the transmitter appears to be at that distance where on the curve for a homogeneous earth of the second conductivity the field intensity equals the value that occurred just across the boundary in the first region. Thus the equivalent distance from the receiving point to the transmitter may be either greater or less than the actual distance. An imaginary transmitter is considered to exist at that equivalent distance.

As an example of the use of the Kirke[14] method suppose on a frequency of 1000 kc an unattenuated field of 100 mv/m at one mile is radiated and that over a path having a conductivity of 10×10^{-14} e. m. u. for a distance 15 miles, 5×10^{-14} e. m. u. for the next 20 miles and 15×10^{-14} e. m. u. thereafter, it is desired to determine the distance to the 0.5 mv/m and 0.025 mv/m contours. By the use of the appropriate curves in Figure 4 it is seen that at a distance of 15 miles on the curve labeled 10×10^{-14} e. m. u. the field is 3.45 mv/m. The equivalent distance to this field intensity for a conductivity of 5×10^{-14} e. m. u. is 11 miles. Continuing on the propagation curve for the second conductivity the 0.5 mv/m contour is encountered at a distance of 27.9 miles from the imaginary transmitter. Since the imaginary transmitter was 4 miles nearer (15—11 miles) to the 0.5 mv/m contour, the distance from the contour to the actual transmitter is 31.9 miles (27.9+4 miles. The distance to the 0.025 mv/m contour is determined by continuing on the propagation curve for the second conductivity to a distance of 31 miles (11+20 miles) at which point the field is read to be 0.39 mv/m. At this point the conductivity changes to 15×10^{-14} e. m. u. and from this curve the equivalent distance is determined to be 58 miles which is 27 miles more distant than would obtain had a conductivity of 5×10^{-14} e. m. u. prevailed. Using now the curve representing the conductivity of 15×10^{-14} e. m. u. the 0.025 mv/m contour is determined to be at an equivalent distance of 172 miles. Since the imaginary transmitter was considered to be 4 miles closer at the first boundary and 27 miles farther at the second boundary the net effect is to consider the imaginary transmitter 23 miles (27—4 miles) more distant than the actual transmitter so that the actual distance to the 0.025 mv/m contour is determined to be 149 miles (172—23 miles).

5. The proposed amendment to the Standards of Good Engineering Practice is issued under the authority of 303 (b), (c) (e) (f), (g) and (r) of the Commissions Act of 1934, as amended.

6. Any interested party who is of the opinion that the proposed rules should not be adopted, or should not be adopted in the manner set forth herein, may file with the Commission on or before November 10, 1948 a statement or brief setting forth his comments. At the same time persons favoring the rules as proposed may file statements in support thereof. The Commission will consider all such comments that are presented before taking action in the matter, and if any comments are submitted which appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

7. In accordance with the provisions of § 1.784 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs or comments filed shall be furnished the Commission.

Adopted: September 30, 1948.

Released: October 1, 1948.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-6916; Filed, Oct. 7, 1948; 8:46 a. m.]

[14] After H. L. Kirke of the British Broadcasting Corporation.

HOME LOAN BANK BOARD

Federal Savings and Loan System

[24 CFR, Part 203]

[No. 1033]

OPERATION

LOANS AND INVESTMENTS

OCTOBER 4, 1948.

Resolved that, pursuant to paragraph (c) of § 201.2 of the rules and regulations for the Federal Savings and Loan System (25 CFR, 201.2 (c)) notice is hereby given of a proposed amendment of Part 203 of said regulations (24 CFR, Part 203) by deleting therefrom the provisions of §§ 203.4, 203.10, 203.11, 203.12, 203.13 (b), 203.20, and 203.21 (24 CFR, 203.10, 203.11, 203.12, 203.13 (b) 203.20, 203.21) and inserting therein the following:

§ 203.10 *Real estate loans*—(a) *Definitions.* As used in this section:

(1) The term "loans on the security of first liens" on improved real estate means loans on the security of any instrument (whether a mortgage, deed of trust, or land contract) which makes the interest in the real estate described therein (whether in fee or in a leasehold extending or renewable automatically for a period of at least 50 years) specific security for the payment of the obligation secured by such instrument: *Provided,* The instrument is of such nature that, in the event of default, the real estate described in such instrument could be subjugated to the satisfaction of such obligation with the same priority as a first mortgage or a first deed of trust in the jurisdiction where the real estate is located.

(2) The term "home" means real estate upon which there is located a dwelling or dwellings for not more than four families.

(3) The term "combination of home and business property" means real property which is used in part for business purposes and in part for residence purposes for not more than four families, provided the use as a residence is of a bona fide character.

(4) The term "other improved real estate" means real estate other than a home or combination home and business property which, because of its state of improvement, produces sufficient income to maintain the property and retire the loan in accordance with the terms thereof.

(5) The term "improved real estate" means real estate which is, or which from the proceeds of the loan will become, a home, combination of home and business property, or other improved real estate.

(6) The term "installment loan" means any loan repayable in regular periodic payments, equal or unequal, sufficient to retire the debt, interest and principal, within the contract period: *Provided, however,* That the loan contract shall not require any subsequent periodic payment to be greater than any previous periodic payment.

(7) The term "insured loan" means a loan that is insured, or as to which the mortgagee is insured, or as to which a commitment for any such insurance has been made under the provisions of either the National Housing Act or the Servicemen's Readjustment Act of 1944, as now or hereafter amended.

(8) The term "guaranteed loan" means a loan that is guaranteed or as to which a commitment to guarantee has been made under the provisions of the Servicemen's Readjustment Act of 1944, as now or hereafter amended.

(b) *Lending powers under sections 13 and 14 of Chapter K.* Any Federal association which has Charter K may, under sections 13 and 14 thereof, make the following types of loans on the security of first liens on improved real estate and the use by such an association of loan plans, practices, and procedures which comply with the applicable provisions of this Section are hereby approved by the Board:

(1) *Homes or combination of homes and business property*—(i) *Monthly installment loans.* Installment loans may be made on homes or combination of homes and business property for an amount not in excess of 75 percent of the value thereof, repayable monthly within 20 years or, if an insured or guaranteed loan, within the period acceptable to the insuring or guaranteeing agency: *Provided,* That, when the members of such an association have authorized loans to be made for an amount exceeding 75 percent of the value, such loans may be made up to the percentage of value authorized by the members but not in excess of:

(*a*) 80 percent of the value, if the loan is not an insured or guaranteed loan;

(*b*) The maximum percentage of the value acceptable to the insuring agency, if an insured loan;

(*c*) 80 percent of the value, plus the amount guaranteed if a guaranteed loan.

(ii) *Other installment loans.* Loans of any type that such an association may make on a monthly installment basis may also be made with interest payable at least semi-annually and with regular periodic principal installments payable at least annually in an amount sufficient to retire the debt, interest and principal, within 5 years, or, subject to the limitations of paragraph (h) of this section (for which purpose all such loans as are not fully repayable within 5 years shall be deemed "Non-installment Loans") within 15 years: *Provided,* That insured or guaranteed loans may be repayable upon such terms as are acceptable to the insuring or guaranteeing agency.

(iii) *Loans without full amortization.* Loans of any type that such an association may make on a monthly installment basis may also be made without full amortization of principal: *Provided,* That, except for insured or guaranteed loans, interest shall be payable at least semi-annually and any such loan may be made for an amount not in excess of 50 percent of the value and for a term of not more than 5 years: *And provided further* That, if the members have authorized loans to be made without full amortization up to such higher percentage, such loans may be made for an amount not in excess of 60 percent of the value and for a term of not more than 3 years.

(2) *Other improved real estate*—(i) *Monthly installment loans.* Installment loans may be made on other improved real estate for an amount not in excess of 50 percent of the value thereof, repayable monthly within 20 years or, if an insured or guaranteed loan, within the period acceptable to the insuring or guaranteeing agency: *Provided,* That, when the members of such an association have authorized loans to be made upon such security for an amount exceeding 50 percent of the value, such loans may be made up to the percentage of value authorized by the members but not in excess of:

(*a*) The maximum percentage acceptable to the insuring agency, if an insured loan;

(*b*) 75 percent of the value of five-family or six-family residential property;

(*c*) 60 percent of the value of residential property for more than six families but for not more than twelve families;

(*d*) 66⅔ percent of the value of property used primarily for residential purposes: *Provided,* That the loan is an installment loan repayable monthly within a period of 15 years;

(*e*) 60 percent of the value of real estate which is improved by an income-producing structure thereon: *Provided,* That the loan is an installment loan repayable monthly within a period of 15 years;

(*f*) The percentage of value that such an association may otherwise lend under this subparagraph plus the amount guaranteed, if a guaranteed loan: *Provided,* That any percentage of value may be loaned if at least 20 percent of the loan is guaranteed.

(ii) *Other loans.* Loans of any type that such an association may make on a monthly installment basis may also be made upon any other plan of repayment: *Provided,* That, except for insured or guaranteed loans, interest shall be payable at least semi-annually and any such loan may be made for an amount not in excess of 50 percent of the value and for a term of not more than 5 years: *And provided further* That, if the members have authorized loans to be made without full amortization up to such higher percentage of the value of other improved real estate used primarily for residential purposes, such loans may be made for an amount not in excess of 60 percent of the value thereof and for a term of not more than 3 years.

(c) *Lending powers under sections 11 and 12 of Charter E.* Any Federal association which has Charter E may, under sections 11 and 12 thereof, make monthly installment loans, repayable in not less than 5 nor more than 20 years, on the security of first liens on homes or combination of homes and business property for an amount not in excess of 75 percent of the value thereof, and on other improved real estate for an amount not in excess of 50 percent of the value thereof.

(d) *Lending powers under other charter provisions.* Any Federal association that has amended Charter K by the addition thereto of § 14.1 of this title, as set out in these rules and regulations and any Federal association which has a charter in any other form not inconsistent with the provisions of this section may, upon authorization by its board of directors and without further action by its members, make the following types of loans and the use by any such association of the applicable loan plans, practices, procedures, and maximum lending percentages is hereby approved by the Board:

(1) Any loan that a Federal association which has Charter K may make under paragraph (b) of this section;

(2) Any guaranteed loan on the security of a lien, other than a first lien, on real estate: *Provided,* At least 20 percent of the loan is guaranteed.

(e) *Participation loans.* Any Federal association may participate with other lenders in making loans of any type that such an association may otherwise make: *Provided,* That:

(1) The real estate security is located within such association's regular lending area;

(2) Each of the lenders is either an instrumentality of the United States Government or is insured by the Federal Savings and Loan Insurance Corporation or by the Federal Deposit Insurance Corporation.

(f) *Purchase of loans.* Any Federal association may purchase loans of any type that it may make: *Provided,* That no loan may be purchased from an affiliated institution without the prior approval of the Board, or from a director, officer, or employee of such association, or from any person or firm regularly serving such association in the capacity of attorney-at-law; *And provided further,* That if such an association increases its share accounts as a part of any such purchase it shall obtain such approval as is required by § 301.17 of the rules and regulations for insurance of accounts.

(g) *Lending area.* The regular lending area of a Federal association consists of the area within a radius of fifty miles from such association's home office and, in the case of a Federal association which is converted from a State-chartered institution, that territory beyond fifty miles from its home office in which such association made loans while operating under State charter. Any Federal association may make loans in its regular lending area and, within the 15-percent-of-assets limitation as defined in paragraph (h) of this section, in other territory: *Provided,* That such association shall comply with § 301.11 of the rules and regulations for insurance of accounts. Each converted association that desires to continue to make loans beyond fifty miles from its home office in territory in which it made loans while operating under State charter shall file with the Board a map showing the territory within which such association made loans while operating under State charter. For the purpose of this paragraph a county is the unit of "territory" in which a converted association made loans beyond a radius of fifty miles from

its home office while operating under State charter.

(h) *Real estate loans and investments subject to 15-percent-of assets limitation.* Any Federal association may make loans of the types enumerated in subparagraphs (1) through (4) of this paragraph on the security of first liens on improved real estate only when the resulting aggregate amount of the following investments does not exceed 15 percent of the association's assets:

(1) Loans in excess of $20,000, after deducting each part of any such loan, if secured by a blanket mortgage, which is apportionable in an amount not exceeding $20,000 to each home or combination of home and business property which is a part of the security.

(2) Loans on other improved real estate.

(3) Loans on improved real estate located beyond the association's regular lending area.

(4) Non-installment loans.

(5) Real estate owned, except:

(i) Property owned and occupied by the association as its office;

(ii) Homes or combination of homes and business property which are located within the regular lending area and which have a book value of not more than $20,000 each;

Provided, That any guaranteed loan, at least 20 percent of which is guaranteed, made by any Federal association that has amended Charter K by the addition thereto of § 14.1 of this title, as set out in these rules and regulations or any Federal association which has a charter in any other form not inconsistent with the provisions of this section, is exempt from the limitations of this paragraph.

(i) *Loans to directors, officers, or employees.* A Federal association may not make any real estate loans to a director, officer, or employee of the association, or to any person or firm regularly serving the association in the capacity of attorney-at-law, except loans on the security of a first lien on the home or combination of home and business property owned and occupied by such borrowing director, officer, employee, attorney or firm.

(j) *Appraisals.* No loan shall be made by any Federal association until at least two qualified persons designated by its board of directors shall have submitted a signed appraisal of the real estate security or, if an insured or guaranteed loan, until two qualified persons designated by the board of directors (one of whom may be the appraiser accepted by the insuring or guaranteeing agency) shall have concurred in or approved, in writing, the valuation assigned to the real estate security by the appraiser accepted by the insuring or guaranteeing agency. *Provided,* That any Federal association which has amended its Charter by the addition thereto of § 14.1 of this title, as set out in these rules and regulations and any Federal association which has a charter in any other form not inconsistent with the provisions of this section may, when authorized by its board of directors, make any insured or guaranteed loan on the basis of an appraisal of the real estate security made by the appraiser accepted by the insuring or guaranteeing agency.

(k) *Initial loan charges.* No director, officer, or employee of a Federal association, and no person or firm regularly serving such association in the capacity of attorney-at-law, may receive from the association or from any other source any fee or other compensation of any kind in connection with the procuring of any particular loan from or by such association. Borrowers may be required to pay the necessary initial charges in connection with the making of a loan, including the actual costs of title examination, appraisal, credit report, survey, drawing of papers, closing of the loan, and other necessary incidental services and costs in such reasonable amounts as may be fixed by the board of directors; such necessary initial charges may be collected by the association from the borrower and paid to any person, including any such director, officer, employee, attorney or firm rendering such services. Upon the closing of the loan, the association shall furnish the borrower a loan settlement statement showing in detail the charges or fees the borrower has paid or obligated himself to pay to the association or to any other person in connection with such loan; and a copy of such loan settlement statement shall be retained in the records of the association.

(l) *Loan contract.* Each loan shall be evidenced by note, bond, or other instrument and shall be secured by such security instrument as is in keeping with sound lending practices in the locality. The loan contract shall provide for full protection to the Federal association and shall be recorded; it shall provide specifically for full protection with respect to insurance, taxes, assessments, other governmental levies, maintenance, and repairs, and it may provide for an assignment of rents and for such other protection as may be lawful or appropriate. Such Federal association may pay taxes, assessments, insurance premiums, and other similar charges for the protection of its interest in the property on which it has loans; all such payments may, when lawful, be added to the unpaid balance of the loan. A Federal association may require life insurance to be assigned to it by its borrowers as additional collateral for loans on the security of real estate; such association may advance premiums on any such life insurance and, when lawful, may add the premium so advanced to the unpaid balance of the loan. A Federal association may require that the equivalent of one-twelfth of the estimated annual taxes, assessments, insurance premiums, and other charges on real estate security, or any of them, be paid in advance to such association in addition to interest and principal payments on its loans, to enable the association to pay such charges as they become due from the funds so received. A Federal association shall keep a record of the status of taxes, assessments, insurance premiums, and other charges on all real estate on which such association has loans or which is owned by it. All loan instruments shall comply with applicable provisions of law, governmental regulations, and the Federal association's charter.

(m) *Loan payments.* Payments on the principal indebtedness of all loans on real estate security shall be applied direct to the reduction of such indebtedness. Payments on all monthly installment loans, other than construction loans, insured loans, and guaranteed loans, shall begin not later than sixty days after the advance of the loan; insured loans and guaranteed loans may be repayable upon terms acceptable to the insuring or guaranteeing agency and the Board hereby approves for use by any Federal association a loan plan wherein payments on any construction loans that such association may otherwise make under this section shall begin not later than 6 months after the date of the first advance. The Board hereby approves for use by any Federal association (except Federal associations that have Charter E) a loan plan wherein the association may require the payment of not more than six months' advance interest on the amount of any prepayment on a loan when the aggregate amount of such prepayments in any one year equals or exceeds twenty percent of the original principal amount of the loan: *Provided,* That the loan contract makes express provision therefor.

(n) *Reserve for uncollected interest.* A "reserve for uncollected interest" shall be maintained equivalent to all interest in default more than 90 days.

§ 203.11 *Loans on savings accounts.* Any Federal association may make loans on the security of its savings accounts, whether or not the borrower is the owner of such account; *Provided,* That the association obtains a lien upon, or a pledge of, such savings account as security therefor. No such loan may exceed the withdrawal amount of the savings account securing the loan or the maximum percentage thereof which the association is authorized by its charter to lend upon such security, whichever is less, and no such loan may be made when the association has any application for withdrawal which has been on file more than 30 days and not reached for payment.

§ 203.12 *Unsecured loans.* Any Federal association that has amended Charter K by the addition thereto of § 14.1 of this title, as set out in these rules and regulations and any Federal association which has a charter in any other form not inconsistent with the provisions of this section may, upon adoption of such a loan plan by its board of directors, make or purchase:

(a) Any unsecured loan at least 20 percent of which is guaranteed under the provisions of the Servicemen's Readjustment Act of 1944, as now or hereafter amended;

(b) Simple-interest, discount, or gross-charge loans for property alteration, repair, or improvement (except business loans provided by section 503 of the Servicemen's Readjustment Act of 1944, as now or hereafter amended, and not secured by lien on real estate) without the security of a lien upon such property. *Provided,* That:

(1) The net proceeds of any such loan do not exceed $1,500;

(2) The property is located in such association's regular lending area as defined in § 203.10 (g),

(3) Each such loan is evidenced by one or more negotiable notes, bonds, or other written evidences of debt;

(4) The resulting aggregate amount of all such loans does not exceed an amount equal to 15 percent of such association's assets;

(5) Each such loan is repayable in regular monthly installments within a period of 5 years;

And provided further That any such loan for property alterations, repair, or improvement that is accepted for insurance under the provisions of the National Housing Act, as now or hereafter amended, or for insurance or guarantee under the provisions of the Servicemen's Readjustment Act of 1944, as now or hereafter amended, may be repayable upon such terms and within such period as are acceptable to the insuring or guaranteeing agency and in an amount not exceeding $2,500: *Provided,* That no Federal association may make any unsecured loan to a director, officer, or employee of the association, or to any person or firm regularly serving the association in the capacity of attorney-at-law, except for the alteration, repair, or improvement of the home or combination of home and business property owned and occupied by such borrowing director, officer, employee, attorney or firm.

(Sec. 5 (a) (e) 48 Stat. 132, 133; 12 U. S. C. 1464 (a), (e) Reorg. Plan No. 3 of 1947, 12 F. R. 4981)

By the Home Loan Bank Board.

[SEAL] J. FRANCIS MOORE, *Secretary.*

[F. R. Doc. 48-8956; Filed, Oct. 7, 1948; 8:54 a. m.]

NOTICES

CIVIL AERONAUTICS BOARD

[Docket No. 3088]

EASTERN AIR LINES, INC., REMOVAL OF WINSTON-SALEM-GREENSBORO RESTRICTION

NOTICE OF POSTPONEMENT OF HEARING

In the matter of the application of Eastern Air Lines, Inc., for amendment of its certificates for routes Nos. 5 and 6 so as to remove restrictions preventing service to Greensboro/High Point and Winston-Salem on the same flight.

Notice is hereby given that hearing in the above-entitled proceeding, now assigned to be held on October 11, 1948, at 10:00 a. m. (eastern standard time) in Room 2015, Temporary Building No. 5, 16th Street and Constitution Avenue N 7., Washington, D. C., is postponed to a time and place to be designated in the future.

Dated at Washington, D. C., October 4, 1948.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 48-8936; Filed, Oct. 7, 1948; 8:49 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Designation Order 26]

DESIGNATION OF MOTIONS COMMISSIONER FOR OCTOBER, 1948

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 29th day of September 1948;

It is ordered, Pursuant to § 1.111 of the Commission's rules and regulations, that Paul A. Walker Commissioner, be and he is hereby, designated as Motions Commissioner for the month of October 1948.

It is further ordered, That in the event said Motions Commissioner is unable to act during any part of said period the Chairman or Acting Chairman will designate a substitute Motions Commissioner.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 48-8947; Filed, Oct. 7, 1948; 8:53 a. m.]

[Docket No. 8990]

RCA COMMUNICATIONS, INC.

ORDER DESIGNATING APPLICATIONS FOR HEARING

In the matter of RCA Communications, Inc., applications for modification of licenses to add Tel Aviv, Israel, as a point of communication; Docket No. 8990.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 29th day of September 1948;

The Commission, having under consideration its order of May 12, 1948, designating the above applications for hearing;

It is ordered, That the hearings herein shall be held at the offices of the Commission at Washington, D. C., beginning at 10:00 a. m. on the 13th day of December 1948;

It is further ordered, That Commissioner Paul A. Walker is assigned to preside at the hearings in the above-entitled matter, and that an initial decision, in lieu of the Commission's proposed decision, be prepared by the presiding officer in accordance with the provisions of § 1.851 (b) and (c) of the rules and regulations of the Commission.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 48-8948; Filed, Oct. 7, 1948; 8:53 a. m.]

[Docket No. 9152]

IDAHO BROADCASTING AND TELEVISION CO. (KGEM)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Idaho Broadcasting and Television Company (KGEM), Boise, Idaho, for modification of construction permit; Docket No. 9152, File No. BMP-3543.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 30th day of September 1948;

The Commission having under consideration the above-entitled application of Idaho Broadcasting and Television Company requesting that its construction permit to operate on 1140 kc, with 10 kw power, DA-N, U at Boise, Idaho, be modified so as to effect a change in directional antenna day and night, directional antenna pattern and for approval of transmitter site.

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing at a time and place to be designated by subsequent order of the Commission upon the following issues:

1. To determine the technical and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate station KGEM as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of station KGEM as proposed and the character of other broadcast service available to those areas and populations.

3. To determine whether the operation of station KGEM as proposed would involve objectionable interference with stations WRVA, Richmond, Virginia and KGDM, Stockton, California or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

4. To determine whether the operation of station KGEM as proposed would involve interference with stations XENT, Neuvo, Laredo, Mexico and CJCJ, Calgary, Alberta as defined in the North American Regional Broadcasting Agreement and, if so, the nature and extent thereof.

5. To determine whether the operation of station KGEM as proposed would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of station KGEM as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations, particularly with reference to the population situated within the blanket area.

It is further ordered, That, Larus and Bro. Company, Incorporated, licensee of station WRVA, Richmond, Virginia and E. F. Peffer, licensee of station KGDM, Stockton, California be, and they are hereby, made parties to this proceeding.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-8950; Filed, Oct. 7, 1948; 8:53 a. m.]

[Docket No. 9153]

CAROLINA TELEPHONE AND TELEGRAPH CO. AND COLUMBUS TELEPHONE CO.

ORDER DESIGNATING APPLICATION FOR HEARING

In the matter of the joint application of Carolina Telephone and Telegraph Company and H. R. Cook, trading and doing business under the name of Columbus Telephone Company, for a certificate under section 221 (a) of the Communications Act of 1934, as amended; Docket No. 9153, File No. P-C-1956.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 29th day of September 1948;

The Commission, having under consideration the joint application filed by the Carolina Telephone and Telegraph Company and H. R. Cook, trading and doing business under the name of Columbus Telephone Company, for a certificate under section 221 (a) of the Communications Act of 1934, as amended, that the proposed acquisition by the Carolina Telephone and Telegraph Company of certain telephone plant and property of H. R. Cook, located in Columbus County, North Carolina, will be of advantage to persons to whom service is to be rendered and in the public interest;

It is ordered, That pursuant to the provisions of section 221 (a) of the Communications Act of 1934, as amended, the above application is assigned for public hearing for the purpose of determining whether the proposed acquisition will be of advantage to the persons to whom service is to be rendered and in the public interest;

It is further ordered, That the hearing upon the said application be held at the offices of the Commission in Washington, D. C. beginning at 10:00 a. m. on the 9th day of November 1948, and that a copy of this order shall be served on the Carolina Telephone and Telegraph Company, H. R. Cook, and also on the Governor of North Carolina, the Public Utilities Commission of North Carolina, the Postmasters and the cities of Whiteville, Chadbourn, Tabor City and Hallsboro, North Carolina;

It is further ordered, That within five days after the receipt from the Commission of a copy of this order, the applicants herein shall cause a copy hereof to be published in a newspaper or newspapers having general circulation in Columbus County, North Carolina, and shall furnish proof of such publication at the hearing herein.

Notice is hereby given that § 1.857 of the Commission's rules and regulations shall not be applicable to this proceeding.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-8949; Filed, Oct. 7, 1948; 8:53 a. m.]

[Docket Nos. 8940, 8942, 8943, 8944, 8971, 9062]

HUDSON VALLEY BROADCASTING CO., INC., ET AL.

ORDER CONTINUING HEARING

In re applications of Hudson Valley Broadcasting Company, Inc., Albany, New York, Docket No. 8940, File No. BPCT-389; Patroon Broadcasting Company, Inc., Albany, New York, Docket No. 8942, File No. BPCT-405; Van Curler Broadcasting Corporation, Albany, New York, Docket No. 8943, File No. BPCT-408; Troy Broadcasting Company, Inc., Troy, New York, Docket No. 8944, File No. BPCT-412; Meredith Champlain Television Corporation, Albany, New York, Docket No. 8971, File No. BPCT-421, Troy Record Company, Troy, New York, Docket No. 9062, File No. BPCT-487 for construction permits.

Whereas, the above-entitled applications are presently scheduled to be heard in a consolidated proceeding on September 27, 1948, at Albany, New York; and

Whereas, the public interest, convenience and necessity would be served by a continuance of the said hearing;

It is ordered, This 21st day of September 1948, that the hearing on the above-entitled applications be, and it is hereby, continued indefinitely.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-8917; Filed, Oct. 7, 1948; 8:46 a. m.]

[Docket No. 9151]

GLENN WEST

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Glenn West, Portland, Indiana, Docket No. 9151, File No. BP-6785; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 30th day of September 1948;

The Commission having under consideration the above-entitled application of Glenn West for a construction permit for a new standard broadcast station to operate on 1440 kc, 250 w power, daytime only, at Portland, Indiana.

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

2. To determine whether the operation of the proposed station would involve objectionable interference with stations WIRE, Indianapolis, Indiana, WANE, Fort Wayne, Indiana, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

3. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

4. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations, and particularly with respect to the assignment of a Class IV station on a regional channel.

It is further ordered, That Indianapolis Broadcasting, Inc., licensee of station WIRE and Radio Fort Wayne, Inc., licensee of station WANE, be, and they are hereby, made parties to this proceeding.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-8918; Filed, Oct. 7, 1948; 8:46 a. m.]

[Docket No. 8135]

SPARTANBURG RADIO CO.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Robert L. Easley, tr/as Spartanburg Radio Company,

Spartanburg, South Carolina, Docket No. 8135, File No. BP-5763; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 30th day of September 1948;

The Commission having under consideration the above-entitled application of Robert L. Easley tr/as Spartanburg Radio Company for a construction permit for a new standard broadcast station to operate on 1220 kc, with 1 kw power, daytime only at Spartanburg, South Carolina;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant and stockholders to construct and operate the proposed station.

2. To obtain full information concerning the conduct of Robert L. Easley as general manager of Station WRNO, Orangeburg, South Carolina, and to ascertain the circumstances surrounding the termination of his association with that station, with particular reference to the complaint filed against the said Easley in the Court of Common Pleas for the County of Orangeburg, State of South Carolina, by WRNO, Inc.

3. To obtain full information concerning the termination of the employment of Robert L. Easley as radio engineer with the State Highway Department of South Carolina.

4. To determine the areas and population which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

5. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

6. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations or with the services proposed in any other pending applications for broadcast facilities, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

7. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-8919; Filed, Oct. 7, 1948; 8:46 a. m.]

[Docket No. 9155]

WILMINGTON TRI-STATE BROADCASTING CO. (WAMS)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Wilmington Tri-State Broadcasting Co. (WAMS) Wilmington, Delaware, Docket No. 9155, File No. BML-1308; for modification of license.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 30th day of September 1948;

The Commission having under consideration the above-entitled application of Wilmington Tri-State Broadcasting Co., Wilmington, Delaware, for a modification of the license of Station WAMS, presently operating on 1380 kc, 1 kw, DA-1, sharing time with Station WAWZ, Zarephath, New Jersey, so as to operate simultaneously with Station WAWZ daytime and continue to share time at night;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station WAMS as proposed and the character of other broadcast service available to those areas and populations.

2. To determine whether the operation of station WAMS as proposed would involve objectionable interference with station WAWZ, Zarephath, New Jersey, or with any other existing broadcast stations or any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby and the availability of other broadcast service to such areas and populations.

3. To determine whether the installation and operation of Station WAMS as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-8920; Filed, Oct. 7, 1948; 8:46 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6165]

BLACK HILLS POWER AND LIGHT CO.

NOTICE OF APPLICATION

Correction

OCTOBER 5, 1948.

A typographical error appearing in the above notice published September 25, 1948 (13 F. R. 5617), should be corrected by changing the figure "33,370" shares of common stock appearing in the 17th line of said notice, to read "33,730" shares of common stock.

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-8939; Filed, Oct. 7, 1948; 8:50 a. m.]

[Docket No. G-704]

TRANS-CONTINENTAL GAS PIPE LINE CO., INC.

ORDER FIXING DATE OF HEARING ON PETITION TO AMEND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

OCTOBER 4, 1948.

It appearing to the Commission that:

(a) On September 23, 1948, Trans-Continental Gas Pipe Line Company, Inc. (Trans-Continental) filed a petition to amend the Commission's order of May 29, 1948, issuing a certificate of public convenience and necessity to the aforementioned company;

(b) In such petition to amend, Trans-Continental stated that:

(i) It proposed to substitute 1,210 miles of 30-inch pipe in lieu of the 26-inch pipe and to make certain changes in compressor stations and compressor horsepower as heretofore authorized;

(ii) It has recently entered into contracts for the purchase and delivery of sufficient steel and steel pipe to meet its entire steel requirements with respect to its proposed project;

(iii) The cost of the project as now proposed is estimated to be $189,810,154 and it has been assured that the project can be financed;

(iv) The price of gas to the market customers will remain approximately thirty-one cents per Mcf;

(v) The project as now proposed is economically feasible.

The Commission, upon consideration of the petition to amend its order of May 29, 1948, in this matter, finds that: It is in the public interest to hold hearings on the petition to amend said prior order of May 29, 1948, issuing certificate of public convenience and necessity for the purpose of receiving additional evidence on the matters set forth in paragraph (b) above, and such other evidence as may bear upon the matters set forth in the petition to amend, filed September 23, 1948. The Commission, therefore, orders that:

(A) The public hearing in the above-entitled matter to be resumed at 10:00 a. m. (e. s. t.) on October 15, 1948, in the Hearing Room of the Federal Power Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue NW., Washington, D. C., limited to the receipt of evidence with respect to Trans-Continental's petition filed September 23, 1948, to amend the Commission's order of May 29, 1948, issuing a certificate of public convenience and necessity to that company.

(B) Nothing contained in this order shall be construed as in any manner changing, affecting, or staying the Commission's order adopted May 29, 1948,

issuing a certificate of public convenience and necessity to Trans-Continental Gas Pipe Line Company, Inc.

(C) All interveners in this proceeding may participate in such further hearing in accordance with leave heretofore granted by the Commission.

(D) Interested State Commissions May participate as provided by §§ 1.8 and 1.37 (f) of the said rules of practice and procedure.

Date of issuance: October 4, 1948.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 48-8940; Filed, Oct. 7, 1948; 8:50 a. m.]

[Docket Nos. G-1089, G-1127]

TEXAS EASTERN TRANSMISSION CORP. AND VILLAGE OF NORRIS CITY

ORDER CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

OCTOBER 4, 1948.

In the matter of Texas Eastern Transmission Corp., Docket No. G-1089; Village of Norris City, Docket No. G-1127.

Upon consideration of the application filed September 4, 1948, by Village of Norris City, Illinois, a municipality organized under the laws of the State of Illinois with its principal place of business at Norris City, Illinois, for an order pursuant to section 7 (a) of the Natural Gas Act, directing Texas Eastern Transmission Corporation to furnish natural gas service at wholesale to the Village of Norris City, Illinois, as described in such application on file with the Commission and open to public inspection;

It appears to the Commission that:

(a) It is necessary and desirable in the public interest that a hearing be held respecting the matters involved and the issues raised by such application;

(b) Good cause exists for consolidating the proceedings to be had in Docket No. G-1127 with the proceedings now in progress in Docket No. G-1089 for the purpose of hearing;

The Commission orders that:

(A) A public hearing be held, commencing at 10:00 a. m. (e. s. t.) on October 4, 1948, in the Main Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., respecting the matters involved and the issues presented by the application of the Village of Norris City.

(B) The public hearing provided for in paragraph (A) above be and the same is hereby consolidated for hearing with the matters involved in Docket No. G-1089;

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure.

Date of issuance: October 4, 1948.

By the Commission. Commissioner Buchanan dissenting.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 48-8941; Filed, Oct. 7, 1948; 8:51 a. m.]

[Docket No. G-1119]

CENTRAL KENTUCKY NATURAL GAS CO.

NOTICE OF APPLICATION

OCTOBER 4, 1948.

Notice is hereby given that on September 8, 1948, Central Kentucky Natural Gas Company (Applicant) a Kentucky corporation having its principal place of business at Charleston, West Virginia, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of a 1760 hp. compressor station consisting of two (2) 880 hp. gas engine driven compressing units, complete with auxiliary equipment and piping, and compressor building, auxiliary building, dwelling and warehouse. Such station will be located on Applicant's natural-gas transmission pipe line designated as Line E running from North Means, Kentucky, to Foster, Kentucky, at a point approximately three miles north of the connection of said Line E with the 26-inch pipe line of Tennessee Gas Transmission Company at North Means, Kentucky.

Applicant proposes, by the installation of the proposed facilities, to increase the capacity of its said Line E from 78,300 Mcf to 100,500 Mcf daily so that Applicant will be able to utilize effectively full deliveries of 109,000 Mcf of natural gas per day available to Applicant from Tennessee Gas Transmission Company at Applicant's North Means delivery point.

It is stated in the application that construction of the proposed facilities is necessary in order for Applicant to maintain and provide adequate service to its present markets and to permit withdrawal of storage gas during winter periods. Applicant states that it does not intend to serve additional markets through the proposed facilities.

The estimated total overall capital cost of the proposed facilities stated in the application is $484,000, to be financed from funds to be provided by the issuance of 3¼% notes to Applicant's parent company, the Columbia Gas System, Inc. Applicant states that it has received authorization from the Securities and Exchange Commission to issue said notes.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of § 1.37 of the Commission's rules of practice and procedure and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with reasons for such request.

The application of Central Kentucky Natural Gas Company is on file with the Commission and is open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than 15 days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of §§ 1.8 or 1.10, whichever is applicable, of the rules of practice and procedure (as amended on June 16, 1947).

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 48-8942; Filed, Oct. 7, 1948; 8:51 a. m.]

[Docket No. IT-6097]

MARIAS RIVER ELECTRIC COOPERATIVE, INC. AND MONTANA POWER CO.

NOTICE OF ORDER AUTHORIZING TRANSMISSION OF ELECTRIC ENERGY TO CANADA AND RESCINDING PREVIOUS AUTHORIZATION

OCTOBER 4, 1948.

Notice is hereby given that, on September 30, 1948, the Federal Power Commission issued its order entered September 28, 1948, in the above-designated matter authorizing transmission of electric energy to Canada, rescinding previous authorization, and releasing Presidential Permit to applicant.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 48-8327; Filed, Oct. 7, 1948; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 54-81]

MIDDLE WEST CORP. ET AL.

MEMORANDUM FINDINGS, OPINION AND ORDER OF COMMISSION

In the matter of The Middle West Corporation, Central and South West Utilities Company and American Public Service Company; File No. 54-81.

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C. on the 1st day of October A. D. 1948.

The Commission, by Order dated April 30, 1946, approved a plan filed pursuant to the provisions of section 11 (e) of the Public Utility Holding Company Act of 1935 ("act") relating to the merger and reorganization of American Public Service Company ("American") and Central and South West Utilities Company ("South West") both registered holding company subsidiaries of The Middle West Corporation ("Middle West"), also a registered holding company, the surviving corporation being known as Central and South West Corporation ("Central") also a registered holding company.[1]

The Commission, in its order approving the plan, reserved jurisdiction with respect to the reasonableness and appropriate allocation of all fees and expenses and other remunerations incurred and to be incurred in connection with the plan and the transactions incident thereto. Applications have been filed requesting allowances of fees and expenses

[1] See "The Middle West Corporation et al.," — S. E. C. — (1946), Holding Company Act Release No. 6396; "The Middle West Corporation et al.," — S. E. C. — (1947), Holding Company Act Release No. 7161.

and setting forth the nature and extent of the services for which compensation was requested, and public hearings were held with respect to such applications. Subsequent to the close of the hearings certain of the parties claiming fees and expenses reduced the amounts originally requested.

The fees and expenses now requested are as follows: [1]

To be paid by Central	Fees	Disbursements	Total
Counsel for Central			
Winthrop, Stimson, Putnam & Roberts [2]	$50,000	$5,305.76	$55,305.76
Richards, Layton & Finger	2,500	15.62	2,515.62
Swiren, Heineman & Antonow	1,500		1,500.00
Total counsel for Central	54,000	5,321.38	59,321.38
Common stockholders committee [3]			
McLaughlin & Stern, counsel	45,000		45,000.00
John D. Butt, committeeman	1,500		1,500.00
Lester J. Dickinson, committeeman	1,500	374.15	1,874.15
M. L. Sindeband, financial adviser	4,000		4,000.00
Owen Ely, financial adviser	500		500.00
Michael Pescatello, financial adviser	300		300.00
Disbursements of committee		3,700.00	3,700.00
Total, committee	52,800	4,074.15	56,874.15
Other counsel for security holders			
Benjamin Mahler	35,000		35,000.00
Jesse J. Holland [4]	2,500	600.46	3,100.46
Total other counsel	37,500	600.46	38,100.46
Total to be paid by Central [5]			154,295.99
Counsel fees to be paid by Middle West			
Winthrop, Stimson, Putnam & Roberts [2]	25,000		25,000.00
Swiren, Heineman & Antonow	8,500	1,443.28	9,943.28
Total to be paid by Middle West			34,943.28

[1] In addition to the applications listed in the table, an application for an allowance was filed by Albert S. Turner, and for the reasons hereinafter set forth, this request has been disallowed.

[2] The application of this firm originally requested an allowance of fees in the amount of $125,000, of which $11,000 was allocated to Middle West and the balance to Central, covering services performed in connection with the section 11 (b) (2) proceedings involving Central and Middle West and for services rendered in the Section 11 (e) proceedings.

[3] The Common Stockholders Committee originally requested fees and expenses as follows: McLaughlin & Stern, Counsel, $175,000; John D. Butt, $7,500; and Lester J. Dickinson, $5,000 plus $374.15 expenses, and expenses in the amount of $11,541.60 which included charges for the three financial advisers in the aggregate amount of $7,899.

[4] Holland originally requested an allowance of $5,000 and reimbursement for expenses amounting to $600.46.

[5] The Commission, by order dated November 12, 1947, released jurisdiction as to expenses incurred with respect to solicitation of exchanges of stock. These expenses were as follows: Lehman Bros., Managers, $10,714.58, and Isham, Lincoln & Beale, Attorneys for the Managers, $8,000 fees and $1,333.85 expenses. See "The Middle West Corporation, et al." Holding Company Act Release No. 7838.

Central and Middle West have indicated that they have no objection to the allocation and payment of certain of the fees and expenses. We turn now to consider whether the requests for allowances are reasonable, appropriately allocated, and compensable out of the estate.

In determining the reasonableness of fees and expenses in section 11 (e) cases the Commission has held that compensation may be paid out of the estate only for such services as have contributed to the formulation of a plan finally adopted or the defeat of a plan found to be unsatisfactory, or which have otherwise been beneficial to the estate.[2]

The plan was designed to effectuate compliance with the requirements of section 11 (b) of the act and with our order of June 4, 1942, issued thereunder, which directed the termination of the corporate existence of either South West or American and required that the capitalization of the surviving company be limited to a single class of stock, namely, common stock.[3] Briefly, the plan provided for the merger of American into Central, the latter being recapitalized so as to have outstanding 6,600,000 shares of new common stock, and for the sale at competitive bidding of a sufficient amount of the new common stock to retire the preference stocks of American and South West at their call prices, subject to the right of the holders of such preference stocks to elect to exchange their shares at the public offering price for the common stock of the new company. It was further provided that the remainder of such common stock was to be issued in exchange for the common stocks of South West and American. Under this provision public holders of the outstanding common stock of South West and American received approximately 39% of such remaining shares. In addition, the public common stockholders received, by way of settlement of all of the claims against Middle West, approximately 285,000 shares of the common stock of the new company. For its holdings of preference and common stocks, Middle West received approximately 51% of the new common stock of Central.

Central and Middle West have filed applications for release of jurisdiction with respect to proposed payments of legal fees and expenses, as indicated in the table above, in the amount of $59,321.38 and $34,943.28, respectively. Winthrop, Stimson, Putnam & Roberts, who appeared as counsel for Central, originally filed a request for an allowance of fees in the amount of $125,000 covering services rendered by the firm in connection with these proceedings on the plan and for services in connection with the section 11 (b) (2) proceedings instituted by the Commission, which preceded the submission of the plan. Of the allowance originally requested, $11,000 was allocated to Middle West and the balance to Central. Subsequently, this firm amended its request for an allowance to cover only its services in connection with the section 11 (e) proceedings [4] and reduced the amount of the requested allowance to $75,000, allocating $50,000 and $25,000 to Central and Middle West, respectively. It is clear from the record that the services of this firm benefited Middle West as well as Central and recognizing the difficulty of precisely determining a proper allocation of the fee, we find no basis for disagreement with the proposal. In the light of the complexities of the problems and the work involved, the size of the estate and the benefits conferred, we find that the requested allowance for fees in the amount of $75,000 and the reimbursement for expenses in the amount of $5,305.76 is reasonably commensurate with the benefits conferred and we shall authorize the payment thereof.

As indicated above, Central has requested authority to pay $2,500 as a fee for services to the firm of Richards, Layton and Finger. The record indicates that this firm was retained by South West on matters of Delaware law arising in connection with the merger and also in connection with certain appellate proceedings on the plan. Middle West has also requested authority to pay Swiren, Heineman and Antonow $8,500 as a fee for services and $1,443.28 as reimbursement for expenses. This firm was retained by Middle West in connection with appellate proceedings on the plan and the firm acted on behalf of Middle West in the enforcement proceedings in the United States District Court for the District of Delaware. This firm also represented Central in the hearings on the various fee applications, and Central has requested authority to pay $1,500 for these services. We find that these proposed payments are for necessary services and reasonable in amount, and we shall authorize their payment.

A Common Stockholders Committee represented by McLaughlin & Stern, as Counsel, entered an appearance during the course of these proceedings and actively participated on behalf of the public common stockholders of South West. The record indicates that McLaughlin & Stern originally appeared as counsel for certain of the common stockholders of South West in September 1945 at an oral argument before the Commission and opposed the approval of a then pending plan, and were instrumental in having the hearings on that plan reconvened for the purpose of taking additional evidence. In the interval required for further hearings on this plan, improvements in general market levels made feasible the modification of this plan with the result that a greater participation was accorded to the public common stockholders of South West. Counsel for the Committee participated

[2] See "Laclede Gas Light Company et al.," — S. E. C. —, (1947), Holding Company Act Release No. 7260. "Columbia Gas & Electric Corporation" et al., — S. E. C. — (1944), Holding Company Act Release No. 5460.

[3] The Middle West Corporation et al., 11 S. E. C. 533 (1942).

[4] Cf. "The United Gas Improvement Co. et al." — S. E. C. — (1945), Holding Company Act Release No. 5570. We are informed that an agreement has been reached between Central, Middle West and Winthrop, Stimson, Putnam & Roberts for the payment by Central of $35,000 and by Middle West of $15,000 for the services of the firm in connection with the section 11 (b) (2) proceedings.

in negotiations resulting in these changes. Under the plan, as approved and consummated, the public common stockholders of South West received approximately 0.81 share of new common stock for each share of South West common stock as compared with the proposed allocation of one-half share under the earlier plan. Moreover, the participation by the Committee and its counsel in the compromise of the complex claims asserted for the subordination of the interest of Middle West provided independent representation of the publicly held common stock. In the light of the services of the Committee and its counsel in connection with the abandonment of the earlier plan and the formulation of the plan finally approved, we find that the participation by the Committee and its counsel were of benefit to the estate and that an allowance for fees in the amount of $52,800 and expenses in the amount of $4,074.15, as indicated above, is reasonably commensurate with the benefits conferred. It should be pointed out that while the application by the Committee does not include a request for an allowance for William J. McEnery, Chairman of the Committee, McEnery has filed a declaration of intention to request an allowance for his services in the reorganization. In order to conclude these matters, our order will provide a time limit for the prosecution of this asserted claim.

Benjamin Mahler appeared for himself and his wife as the holders of the junior preferred stock of South West and has requested an allowance of $35,000. He participated in the proceedings relating to the reorganization from the commencement of the action in 1940 by the Commission pursuant to section 11 (b) (2) of the act through the conclusion of the matter under section 11 (e) of the act, and until relatively late in the proceedings was the only representative of publicly-held securities participating in the proceedings. Early in the proceedings Mahler urged that the interests of Middle West be subordinated to those of the public stockholders of American and South West, and opposed the approval of the plan as originally filed, which gave no recognition to the asserted claims for subordination. As heretofore indicated, the plan, in the form approved, incorporated a compromise of these asserted claims. While Mahler's participation extended over the full course of these extended proceedings and assured that the claims of the preferred stockholders were persistently reiterated, the nature of his services was not extensive in either the detailed presentation of evidence or the presentation of novel contentions. On the other hand, he was the only advocate of the preferred stockholders' position in this regard and while his services can not be characterized as having influenced the precise terms of the plan or to have contributed substantially to the record upon which the special equities of the preferred stockholders were asserted, they did contribute to the general development of the plan. Under all the circumstances, we find that an allowance of $10,000 is reasonably commensurate with the services rendered and we shall approve the payment thereof.

Jesse J. Holland appeared as counsel for certain common stockholders of Central and Middle West and urged that the Board of Directors of Central be increased and be made more representative. He also urged the cancellation of the long-standing contract between Central and Middle West Service Corporation for management and supervisory services. Largely as the result of his efforts the Board of Directors was increased from seven to eleven members and the additional directorships were filled by persons who, at the time of their election, were not affiliated with Central or the Middle West system. The service contract was also canceled and the Board undertook an independent study of the question of whether the operating companies in the Central System require specialized services from Middle West Service Corporation. While Holland did not appear in the proceedings until after the plan had been approved by the Commission and enforced by the United States District Court for the District of Delaware, his services were of benefit to the estate. We find that an allowance of $2,500 plus expenses in the amount of $600.46 is reasonably commensurate with the benefits his services conferred upon the estate and we shall approve the payment thereof.

Albert S. Turner filed a request for an allowance of $3,700 for services to the prior lien stockholders of South West and certain preferred stockholders of American. This request for allowance was later increased to $20,609. Turner is in the brokerage business and employed by the brokerage firm of Auchincloss, Parker & Redpath in Philadelphia, Pennsylvania, and stated that he appeared on behalf of certain customers of the firm and others. We regard Turner's position as one who sold securities as a phase of his employment and who sought as an incidence of such employment to protect those securities in reorganization of the issuer as a part of the process of the retention of the good will of his employer's customers. Under such circumstances, he cannot look to the estate for compensation.[5] Apart from the foregoing, we are unable to find any rendition of service which on the merits would entitle Turner to compensation from the estate. He was, as stated in the record, "outraged at the fact that we were going to get common stock" and therefore opposed the plan which so provided. The fact that the plan, as finally approved, did embody a provision permitting cash retirements of preferred stock at the option of the holder was not something to which Turner can point as a contribution. It was only possible because of the general market rise which made possible the sale of common stock in an amount sufficient to generate cash required to retire preferred shares where the holders had so elected. The circumstance of market rise was entirely fortuitous and not to have taken it into account would have been to ignore the realities of the situation and, in this connection, Turner's contentions did not in any way influence the formulation of the final plan or aid us in approving it. After carefully considering the record made by Turner at the hearings on the plan and at the hearing in connection with his application for fees, we are of the opinion that Turner performed no services which may be compensated for out of the estate. Accordingly, his request for an allowance of fees in the amount of $20,609 is denied, and our order will so provide.

It is therefore ordered, That Central and South West Corporation and The Middle West Corporation pay the fees and expenses of counsel retained by each, as itemized herein, in the amounts of $59,321.38 and $34,943.28, respectively.

It is further ordered, That Central and South West Corporation pay the fees and disbursements of the Common Stockholders' Committee and its Counsel, as itemized herein, in the aggregate amount of $56,874.15; the fees and expenses of Benjamin Mahler in the amount of $10,000; and the fees and expenses of Jesse J. Holland in the amount of $3,100.46.

It is further ordered, That the jurisdiction heretofore reserved in our Order dated April 30, 1946, with respect to the reasonableness and appropriate allocation of all other fees and expenses and other remunerations in connection with the plan and the transactions incident thereto be, and the same is, hereby released, except for the limited purpose of determining whether any allowance shall be made to William J. McEnery, Chairman of Common Stockholders' Committee, who has heretofore filed a notice of intention to file an application requesting compensation for his services.

It is further ordered, That any application for fees and allowances by William J. McEnery be filed not later than October 29, 1948.

It is further ordered, That the request of Albert S. Turner for an allowance be, and the same hereby is, denied.

By the Commission (Commissioners McConnaughey, McEntire, McDonald, and Rowen) Chairman Hanrahan being absent and not participating.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 48-8334; Filed, Oct. 7, 1948; 8:49 a. m.]

[File No. 70-1916]

LANCASTER COUNTY GAS CO. AND UNITED GAS IMPROVEMENT CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 1st day of October 1948.

Notice is hereby given that The United Gas Improvement Company ("UGI") a registered holding company, and its subsidiary, Lancaster County Gas Company ("Lancaster") have filed a joint application-declaration, and amendments thereto, pursuant to the Public Utility Holding Company Act of 1935 ("act").

[5] See "Laclede Gas Light Company et al.," — S. E. C. — (1947), Holding Company Act Release No. 7260.

Applicants-declarants have designated sections 6 (b) 9, 10, and 12 of the act and Rule U-43 promulgated thereunder as applicable to the proposed transactions.

All interested persons are referred to said joint application-declaration, as amended, which is on file in the offices of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

UGI has entered into an agreement with Pennsylvania Power & Light Company ("Pennsylvania") a non-affiliated company, providing for the sale by the latter and the purchase by Lancaster (a corporation organized and financed by UGI) of all the properties of Pennsylvania relating to the business of the manufacture, transmission, distribution, and sale of gas in Lancaster County, Pennsylvania, for a base purchase price of $1,450,000 in cash, plus the cost of (a) all gross capital additions to the gas properties made between January 1, 1948, and the date of closing, and (b) certain materials and supplies.

In order to provide Lancaster with sufficient funds to finance the acquisition of such properties and to provide Lancaster with necessary working capital, UGI proposes to purchase 50,000 shares of the $50 par value capital stock to be issued and sold by Lancaster for the sum of $2,500,000 in cash.

Applicants-declarants state that the acquisition by Lancaster of the gas properties to be acquired and the issue and sale by Lancaster of the 50,000 shares of its capital stock are subject to the jurisdiction of the Pennsylvania Public Utility Commission.

Notice is further given that any interested person may, not later than October 25, 1948, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said joint application-declaration, as amended, which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after October 25, 1948, said joint application-declaration, as filed or as further amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 48-8933; Filed, Oct. 7, 1948; 8:48 a. m.]

[File No. 70-1951]

NEW ENGLAND PUBLIC SERVICE CO.

NOTICE OF FILING AND NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 1st day of October A. D. 1948.

Notice is hereby given that a declaration has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, by New England Public Service Company ("NEPSCO") a registered holding company. Declarant designates section 12 (d) of the act and Rule U-50 promulgated thereunder as applicable to the proposed transactions.

All interested persons are referred to said declaration which is on file in the offices of the Commission for statement of the transactions therein proposed, which are summarized as follows:

NEPSCO owns 493,856.8 shares of the common stock, $10 par value, of Public Service Company of New Hampshire ("New Hampshire") representing 58.9% of the presently outstanding common stock. NEPSCO now proposes to sell, at competitive bidding under Rule U-50, 200,000 shares of its holdings of the common stock of New Hampshire. The price which NEPSCO will receive for the common stock, the price at which it will be offered to the public, the names of the purchaser or purchasers and the number of shares subscribed for respectively, will be supplied by amendment. All of said shares of common stock of New Hampshire owned by NEPSCO have been pledged by it under a Bank Loan Agreement between NEPSCO and certain banks and trust companies, dated as of July 24, 1947, securing promissory notes of NEPSCO dated October 9, 1947, the balance of which is presently outstanding in the aggregate amount of $12,300,000. The net proceeds from the sale of New Hampshire's common stock will be applied toward the reduction of said promissory notes, the issuance of which were approved by orders of the Commission dated June 27, 1947, and September 12, 1947, as a part of the amended plan of NEPSCO for the retirement of its Prior Lien Preferred stock. This plan provided, inter alia, for a one year bank loan by NEPSCO from the First National Bank of Boston and four other banks and trust companies in an amount not in excess of $16,000,000. It further provided that, in the event of the loan, NEPSCO would, within one year after the date of the loan, sell, at competitive bidding pursuant to Rule U-50, or in such manner as the Commission may approve, sufficient of its holdings to repay the loan in full unless the Commission granted one or more extensions. On October 9, 1947, NEPSCO borrowed an aggregate amount of $13,500,000 to effect the retirement of its Prior Lien Preferred stock, which amount has now been reduced to $12,300,000. Under the Bank Loan Agreement, NEPSCO has the right to two successive renewals of one year each, provided the Commission approves such renewals. NEPSCO has now filed an application with the Commission proposing to renew its said bank notes for the period of one year from October 9, 1948, and requesting a one year extension to October 9, 1949 of the time within which NEPSCO must sell sufficient of its holdings of utility stocks to repay in full its said bank loan. The Commission has ordered a hearing with respect to said application on October 5, 1948.

Declarant states that no State Commission has jurisdiction over the proposed transactions.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said declaration and that said declaration should not be permitted to become effective except pursuant to further order of this Commission;

It is hereby ordered, Pursuant to the applicable provisions of the act and the rules and regulations thereunder, that a hearing with respect to said declaration be held on October 19, 1948, at 10:00 a. m., e. s. t., at the offices of the Commission, 425 Second Street NW., Washington 25, D. C. On such date the hearing room clerk in Room 101 will advise as to the room in which such hearing will be held. Any persons desiring to be heard or otherwise wishing to participate in this proceeding shall file with the Secretary of the Commission on or before October 18, 1948, his request or application therefor as provided in Rule XVII of the Commission's rules of practice.

It is further ordered, That James G. Ewell, or any other officer or officers of this Commission designated by it for that purpose shall preside at such hearing and is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

The Division of Public Utilities of the Commission having advised the Commission that it has made a preliminary examination of the declaration and that, upon the basis thereof, the following matters and questions are presented for consideration without prejudice to its specifying additional matters or questions upon further examination:

1. Whether the proposed sale by New England Public Service Company of the common stock of Public Service Company of New Hampshire meets the requirements of section 12 (d) of the act and the rules and regulations promulgated thereunder.

2. Whether the fees or other remuneration to be paid in connection with the proposed transactions are reasonable.

3. Whether the accounting entries proposed to be made by New England Public Service Company in connection with the proposed transactions are consistent with sound accounting principles and conform to the standards of the act and the rules promulgated thereunder.

4. Whether the proposed transactions as submitted, or as may be hereinafter modified, are consistent with the provisions of the amended plan of New England Public Service Company for the retirement of its Prior Lien Preferred stock, approved by orders of the Commission, dated June 27, 1947 and September 12, 1947.

5. Generally, whether the proposed transactions comply with all the requirements of the applicable provisions of the act and the rules and regulations promulgated thereunder, and whether, it is necessary or appropriate in the public interest or for the protection of investors and consumers to impose terms

and conditions in connection with the proposed transactions.

It is further ordered, That particular attention be directed at said hearing to the foregoing matters and questions.

It is further ordered, That the Secretary of this Commission shall serve a copy of this order by registered mail on New England Public Service Company, Public Service Company of New Hampshire, the Federal Power Commission, and on all other persons heretofore granted participation in the proceeding with respect to the retirement of Prior Lien Preferred stock of New England Public Service Company (File No. 59-15) and that notice of said hearing shall be given to all other persons by publication of this notice and order in the FEDERAL REGISTER and by general release of this Commission distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 48-8929; Filed, Oct. 7, 1948; 8:47 a. m.]

[File No. 70-1955]

NEW ORLEANS PUBLIC SERVICE, INC.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 1st day of October A. D. 1948.

Notice is hereby given that New Orleans Public Service, Inc. ("New Orleans") a utility subsidiary of Electric Power & Light Corporation ("Electric"), a registered holding company subsidiary of Electric Bond and Share Company, also a registered holding company, has filed an application pursuant to the Public Utility Holding Company Act of 1935, and has designated sections 6 (b) and 7 of the act and Rule U-50 of the rules and regulations promulgated thereunder as applicable to the proposed transactions which are summarized as follows:

New Orleans proposes to issue and sell pursuant to the competitive bidding requirements of Rule U-50 $10,000,000 principal amount of its First Mortgage Bonds, _____% Series, due 1978, to be issued under and secured by the Company's presently existing mortgage and deed of trust, dated as of July 1, 1944, as supplemented by a first supplemental indenture to be dated as of October 1, 1948. The application states that the proceeds from the sale of bonds will be used to carry forward the company's construction program and for other corporate purposes.

The application states that the proposed transaction has been expressly authorized by the City Council of the City of New Orleans, the State Commission of the State in which the company is organized and doing business.

Applicant requests that the Commission's order herein be issued as promptly as may be practicable and that it become effective forthwith upon the issuance thereof.

Notice is further given that any interested person may not later than October 13, 1948, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after October 13, 1948, said application as filed or as amended may be granted as provided in Rule U-23 of the rules and regulations promulgated under said act or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof. All interested persons are referred to said application which is on file with this Commission for a statement of the transactions therein proposed.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 48-8928; Filed, Oct. 7, 1948; 8:47 a. m.]

[File No. 70-1958]

CENTRAL AND SOUTH WEST CORP. AND PUBLIC SERVICE COMPANY OF OKLAHOMA

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 4th day of October A. D. 1948.

Notice is hereby given that a joint application-declaration has been filed with this Commission pursuant to the provisions of the Public Utility Holding Company Act of 1935 ("act") by Central and South West Corporation ("Central") a registered holding company and its subsidiary, Public Service Company of Oklahoma, ("Public Service") Applicants-declarants have designated sections 6, 7, 9 (a) 10 and 12 (f) of the act and Rule U-43 promulgated thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than October 18, 1948, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reason for such request and the issues, if any, of fact or law raised by said joint application-declaration proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after October 18, 1948, said joint application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said joint application-declaration which is on file in the office of the Commission for a statement of the transactions therein proposed, which may be summarized as follows:

The authorized capital stock of Public Service consists of 203,500 shares of $100 par value 4% preferred stock, of which 98,500 shares are issued and outstanding, and 140,000 shares of $100 par value common stock, of which all of the issued and outstanding shares (111,167) are owned by Central.

Public Service proposes to amend its Articles of Incorporation so as to provide for the issuance of shares of $10 par value common stock to the holder of its 111,167 shares of outstanding $100 par value common stock, on the basis of ten shares of new common stock for each share of $100 par value common stock held, without otherwise changing the relative rights, preferences or privileges thereof. The proposed amendment will also provide for an increase in the total authorized number of shares of common stock to 2,000,000 shares of $10 par value and, in order to maintain the relative voting rights of the preferred and common stock, will provide for an increase from one vote per share to ten votes per share of preferred stock, in all cases where said stock is entitled to vote.

Public Service proposes to issue and Central proposes to acquire 1,111,670 shares of the new $10 par value common stock upon the surrender and cancellation by Central of its holdings of the outstanding 111,167 shares of the $100 par value common stock.

Public Service further proposes to issue as a common stock dividend, and Central proposes to acquire, 538,330 additional shares of the new $10 par value common stock of Public Service and in connection therewith Public Service proposes to transfer $5,383,300 from its Earned Surplus Account to its Common Stock Capital Account.

The Corporation Commission of the State of Oklahoma has issued an order authorizing the transactions proposed by Public Service.

Applicants-Declarants request that the Commission's order herein be issued as soon as practicable and that it become effective forthwith.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 48-8935; Filed, Oct. 7, 1948; 8:49 a. m.]

[File No. 70-1951]

DELAWARE COACH CO. AND SOUTHERN PENNSYLVANIA BUS CO.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 1st day of October 1948.

Notice is hereby given that a joint declaration has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, by Delaware Coach Company ("Coach Company") a wholly owned subsidiary of the United Gas Improvement Company, a registered holding company, and Coach Company's wholly owned subsidiary, Southern Pennsylvania Bus Company ("Bus Company") Declarants designate section 12 of the act and Rule U-45 promulgated thereunder as applicable to the proposed transaction.

Notice is further given that any interested person may, not later than October 28, 1948, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said application-declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after October 28, 1948, said application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said application-declaration which is on file in the offices of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

Delaware Coach Company, on or before December 31, 1948, will advance to Bus Company on open book account without interest an aggregate of $400,000 in cash. The proceeds of the advance will be used by Bus Company, together with other cash, to defray, in part, the cost of rebuilding a garage recently destroyed by fire as well as for the purchase of 12 new buses.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 48-8932; Filed, Oct. 7, 1948; 8:48 a. m.]

[File No. 70-1966]

UNITED CORP.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 1st day of October 1948.

Notice is hereby given that an application-declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by The United Corporation ("United") a registered holding company. Applicant-declarant has designated sections 10 (a) (1) and 12 (d) of the act as applicable to the proposed transaction.

Notice is further given that any interested person may, not later than October 11, 1948, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application-declaration proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after October 11, 1948, said application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said application-declaration which is on file in the office of this Commission for a statement of the transaction therein proposed, which is summarized as follows:

The Columbia Gas System, Inc. ("Columbia") a subsidiary of United, has pending before the Commission a declaration with respect to the issue and sale to the holders of its common stock of 1,223,000 additional shares of such stock (File No. 70-1945, Holding Company Act Release No. 8533) Columbia proposes to offer such shares of common stock by distribution to its common stockholders in accordance with their preemptive rights, of transferable warrants evidencing rights to subscribe for one full share of such stock for each ten shares held and the privilege (referred to as the Additional Subscription Privilege in the declaration filed by Columbia) of subscribing for such of the additional shares of common stock as have not been subscribed for pursuant to such rights to subscribe, the offering price per share of such stock to be set by Columbia at a later date.

United, as the owner of 1,919,856 shares of the common stock of Columbia, proposes to subscribe for up to 191,985 shares of common stock of Columbia in accordance with its rights to subscribe, and up to 50,000 additional shares of such stock in accordance with the Additional Subscription Privilege, or to sell up to 1,919,856 rights to subscribe.

It is requested that the Commission's action upon this application-declaration be accelerated so as to insure that the corporation will have ample opportunity either to subscribe for the additional shares in question or to sell up to 1,919,856 rights to subscribe in an orderly manner in advance of the expiration date of the subscription offer.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 48-8931; Filed, Oct. 7, 1948; 8:48 a. m.]

[File No. 70-1967]

MICHIGAN-WISCONSIN PIPE LINE CO.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 1st day of October A. D. 1948.

Notice is hereby given that an application has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("act"), by Michigan-Wisconsin Pipe Line Company ("Michigan-Wisconsin"), a non-utility subsidiary of American Light & Traction Company ("American Light"), a registered holding company. Applicant designates section 6 (b) of the act and Rule U-50 promulgated thereunder as applicable to the proposed transactions.

All interested persons are referred to said application on file in the office of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

Michigan-Wisconsin proposes to issue and sell $66,000,000 principal amount of 3⅝%, First Mortgage Bonds, due 1968, of which $59,400,000 would be sold to Metropolitan Life Insurance Company ("Metropolitan") and $6,600,000 principal amount would be sold to the Mutual Life Insurance Company of New York ("Mutual") The bonds are to be issued under and secured by a Mortgage and Deed of Trust in favor of City Bank Farmers Trust Company, as corporate trustee. The bonds will be subject to a sinking fund which will retire the entire issue by the maturity date and provisions are made whereby the sinking fund may be accelerated under certain circumstances. Applicant proposes to issue and sell an aggregate of $12,000,000 principal amount of the bonds as promptly as possible during the year 1948 of which $10,800,000 principal amount will be sold to Metropolitan and $1,200,000 principal amount to Mutual. The balance of $54,000,000 principal amount of said bonds will be sold in the same proportion to Metropolitan and to Mutual during the year 1949, from time to time, as funds are needed, in not more than four lots of which no lot shall be less than $10,000,000 principal amount. A commitment fee computed at the rate of 1% per annum from October 1, 1948, will be paid on the $54,000,000 principal amount of bonds to be sold in the year 1949.

Applicant states that the net proceeds to be derived from the issuance and sale of the said bonds will be used to provide a portion of the funds required for the construction of the initial portion of a natural gas pipeline which will extend from the Hugoton Gas Field in the States of Texas and Oklahoma to the State of Wisconsin and to Austin Field (an underground storage field) in west central Michigan. It is stated that said initial portion of the pipeline will be capable of delivering approximately 75,000,000,000 cu. ft. of gas annually and will consist of approximately 800 miles of 24-inch line from the Hugoton Gas Field to a point near Joliet, Illinois, known as Wisconsin Junction together with a 22-inch line

from Wisconsin Junction into the State of Wisconsin, a 22-inch line from Wisconsin Junction to Austin Field and an installed compressor capacity of approximately 48,000 horse power. It is also stated that the present estimated cost of such construction, including a reasonable allowance for working capital, will be approximately $88,000,000 of which $22,000,000 has already been made available through the issuance and sale to American Light of a like par amount of common stock.

Applicant requests an exemption from the requirements of section 6 (a) and 7 of the act pursuant to the last clause of the third sentence of section 6 (b) thereof. Applicant also requests an exemption from the competitive bidding requirements of Rule U-50.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said application and that the application shall not be granted except pursuant to further order of the Commission.

It is ordered, That a hearing, with respect to said application, pursuant to applicable provisions of the act and the rules and regulations promulgated thereunder, be held on October 13, 1948 at 10:00 a. m., e. s. t., at the office of the Commission, 425 Second Street NW., Washington 25, D. C., in such room as the hearing room clerk in Room 101 shall on such date designate.

Any persons desiring to be heard or otherwise wishing to participate in the proceeding shall file with the Secretary of this Commission on or before October 11, 1948, a written request to be heard or otherwise participate as provided by Rule XVII of the Commission's rules of practice.

It is further ordered, That Edward C. Johnson, or an officer or officers of this Commission designated by it for that purpose, shall preside at such hearing and that the hearing officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to this Commission under section 18 (c) of the act, and to a hearing officer under the Commission's rules of practice.

The Division of Public Utilities of the Commission having advised the Commission that it has made a preliminary examination of the application and that, upon the basis thereof, the following matters and questions are presented for consideration without prejudice to the specification of additional matters or questions upon further examination:

(1) Whether the terms and conditions of the issue and sale of the bonds are appropriate in the public interest and in the interest of investors and consumers.

(2) Whether the Indenture securing the proposed bonds contains adequate protective provisions.

(3) Whether it is appropriate in the public interest and in the interest of investors and consumers to grant the request for an exemption from the provisions of Rule U-50.

(4) Whether the fees, commissions, and other remunerations to be paid in connection with the proposed transactions are for necessary services and are reasonable in amount.

(5) Whether the accounting entries to record the proposed transactions on the books of the company are proper and conform with sound accounting principles and meet the requirements of the act.

(6) What terms or conditions, if any, with respect to the proposed transactions should be prescribed in the public interest or for the protection of investors or consumers.

It is further ordered, That the Secretary of the Commission shall serve a copy of this order by registered mail on the applicant, the Federal Power Commission, the Michigan Public Service Commission, and the Wisconsin Public Service Commission, and that further notice of said hearing shall be given to all other persons by publication of this notice and order in the FEDERAL REGISTER and that a general release of this notice and order shall be distributed to the press.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 48-8930; Filed, Oct. 7, 1948; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9783, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 11841]

MARGARETHA J. MIEKLEY

In re: Estate of Margaretha J. Miekley, deceased. File D-28-8787; E. T. sec. 10783.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Margaretha Hain, Hans Biesel, Charlotte Henning, Hans Perret, Gustav Perret, Alfred Perret, Richard Perret, and Kaethe Reibel, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany),

2. That the children, names unknown, of Margaretha Hain, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany),

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Margaretha J. Miekley, deceased, is property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country (Germany)

4. That such property is in the process of administration by Emile W. Eggmann, Executor, and Charlotte Margaretha Schuette, Executrix, acting under the judicial supervision of the Probate Court, St. Clair County, Illinois,

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof and the children, names unknown, of Margaretha Hain, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 18, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON, *Assistant Attorney General, Director Office of Alien Property.*

[F. R. Doc. 48-8931; Filed, Oct. 7, 1948; 8:54 a. m.]

[Vesting Order 11959]

THEKLA OPASKA

In re: Estate of Thekla Opaska, deceased. File No. D-28-12249; E. T. sec. 16467.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Alexandra Opaska, Alexandra Anastasia Opaska, and Lucy Opaska, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany),

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and each of them, in and to the estate of Thekla Opaska, deceased, is property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country (Germany)

3. That such property is in the process of administration by John T. Dempsey, Public Administrator, acting under the judicial supervision of the Probate Court of Cook County, Illinois;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 2, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director
Office of Alien Property.

[F. R. Doc. 48-8952; Filed, Oct. 7, 1948; 8:54 a. m.]

[Vesting Order 12077]

ANNA K. MUSELIUS

In re: Estate of Anna K. Muselius, deceased and trust under the will of Anna K. Muselius, deceased. File No. D-28-2334; E. T. sec. 3112.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mrs. Emile Simmross, nee Rovakamp, Carl Westermann, Anna Westermann, Addi Zygmanowski, Mietze (Betty) Weingardt and Mrs. Haltermann, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany)

2. That the descendants, names unknown, of Mrs. Emile Simmross, nee Rovakamp, of Anna Rovakamp and of Betty Rovakamp, and the domiciliary personal representatives, heirs at law, next of kin, legatees and distributees, names unknown of Meta Muselius, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany)

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof in and to the estate of Anna K. Muselius, deceased, and in and to the Trust established under the Will of Anna K. Muselius, deceased, is property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country (Germany)

4. That such property is in the process of administration by the Passaic National Bank & Trust Company and Katherine E. Schmahl, as co-executors and trustees, acting under the judicial supervision of the Orphans Court, County of Passaic, Paterson, New Jersey;

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof, and the descendants, names unknown, of Mrs. Emile Simmross, nee Rovakamp, of Anna Rovakamp and of Betty Rovakamp and the domiciliary personal representatives, heirs at law, next of kin, legatees and distributees, names unknown of Meta Muselius, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 24, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 48-8953; Filed, Oct. 7, 1948; 8:54 a. m.]

[Vesting Order 12089]

GERTRUDE VON METZCH REICHENBACH

In re: Stock owned by Gertrude Von Metzch Reichenbach. F-28-28799-D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Gertrude Von Metzch Reichenbach, whose last known address is Hauptmanns Rente, 128 B Stuttgart, Wuerttemberg, Germany, is a resident of Germany and a national of a designated enemy country (Germany),

2. That the property described as follows: Ten (10) shares of $100.00 par value preferred capital stock of International Agricultural Corporation, a corporation organized under the laws of the State of New York, evidenced by a certificate numbered 010347, registered in the name of Gertrude Von Metzch Reichenbach; together with all declared and unpaid dividends thereon, and all rights of exchange thereof, for shares of common capital stock of International Minerals & Chemical Corporation, 20 North Wacker Drive, Chicago, Illinois, and any and all declared and unpaid dividends and cash due thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany)

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 24, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-8954; Filed, Oct. 7, 1948; 8:54 a. m.]

[Vesting Order 12097]

FUKUJIRO KUBO ET AL.

In re: Interests in real property, property insurance policies and a claim owned by Fukujiro Kubo and others.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Fukujiro Kubo, and "Mary" Kubo and "Jane" Kubo, whose true given names are unknown, and whose last known addresses are Yaguchi, Kuchita-Mura, Asa-Gun, Hiroshima, Japan are residents of Japan and nationals of a designated enemy country (Japan);

2. That the property described as follows:

a. An undivided one-quarter (¼) interest in and to real property situated on the Island and County of Maui, Territory of Hawaii, particularly described in Exhibit A, attached hereto and by reference made a part hereof together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments, arising from the ownership of such property,

b. All right, title and interest of Fukujiro Kubo, and "Mary" Kubo and "Jane" Kubo, whose true given names are unknown, in and to the following insurance policies:

Fire Insurance Policy No. B15076, issued by Home Insurance Company of Hawaii, Ltd., 129 South King Street, Honolulu, Territory of Hawaii, in the amount of $900.00, which policy expired August 27, 1948, and insures the property described as Parcel No. 1 of Exhibit A hereof, together with any and all extensions and renewals thereof,

Fire Insurance Policy No. 407677, issued by Columbia Insurance Company of New York, 55 Fifth Avenue, New York, New York, in the amount of $500.00, which policy expired January 15, 1948 and insures a portion of the property described as Parcel No. 2 of Exhibit A hereof, together with any and all extensions and renewals thereof,

Fire Insurance Policy No. 407678, issued by Columbia Insurance Company of New York, 55 Fifth Avenue, New York, New York,

in the amount of $500.00, which policy expires January 15, 1950 and insures a portion of the property described as Parcel No. 2 of Exhibit A hereof, and

Fire Insurance Policy No. B15234, issued by Home Insurance Company of Hawaii, Ltd., 129 South King Street, Honolulu, Territory of Hawaii, in the amount of $1,100.00, which policy expires December 31, 1948 and insures the property described as Parcel No. 5 of Exhibit A hereof, and

c. That certain debt or other obligation owing to Fukujiro Kubo, and "Mary" Kubo and "Jane" Kubo, whose true given names are unknown, by Haruko Kubo Omura, Puukelii, Lahaina, Maui, Territory of Hawaii, arising out of their share of the rentals collected from the property described in subparagraph 2-a hereof, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Japan)

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2-a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

There is hereby vested in the Attorney General of the United States the property described in subparagraphs 2-b and 2-c hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 30, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

EXHIBIT A

Parcel No. 1. All of that parcel of land situate in Polaiki, Lahaina, Island and County of Maui, Territory of Hawaii, containing an area of 10,630 square feet, and more particularly described by metes and bounds as follows:

Beginning at a pipe on the mauka side of Main Street, marking the northwest corner of this parcel, the coordinates of which referred to "Laina" Triangulation Station are 11392.1 feet south and 1508.9 feet west, and running by true azimuths:

1. 321°51' 85.00 feet along Main Street to a pipe;
2. 231°10' 125.6 feet to a pipe;
3. 141°24' 84.6 feet to a pipe;
4. 51°24' 125.0 feet along land of Mrs. Fitzgerald to the point of beginning, being a portion of Apana 4 of the land mentioned or

described in Land Commission Award 364 to John White, of Apana 4 of the land mentioned or described in Land Commission Award 6858 to Napapala, and of Apana 3 Award 7680 to Ulumuhelhel.

Parcel No. 2. All that certain piece or parcel of land on Main Street, at Aki, Lahaina, Maui, comprising R. P. 1737, L. C. A. 798 to Kaniau no Kalei; portion R. P. 594, L. C. A. 325 to M. Nowlein and portion R. P. 1735, L. C. A. 351 to Kaenaena, more particularly described as follows:

Beginning at an iron pipe at the north corner of this lot and on the makai side of Main Street and also marking the south corner of L. C. A. 3424-B; Ap. 1 to Kalelelki; the coordinates of said iron pipe referred to Gov't. Survey Trig. Station "Laina" being 7110.3 feet south and 4360.4 feet west, and running by true azimuths:

1. 322°22' 165.3 feet along west side of Main St. to pipe
2. 59°00' 59.0 feet along Maui Trading Co. and sea to sea wall
3. 144°06' 155.5 feet along sea wall along sea
4. 229°04' 54.0 feet along wall and fence respectively along L. C. A. 3424-B; Ap. 1 to Kalelelki to point of beginning and containing an area of 9025 square feet.

Parcel No. 3. Apana 2 of R. P. 4591 L. C. A. 3930 to Nauwele, situate in Honokowai, District of Kaanapali, Island and County of Maui.

Parcel No. 4. That certain parcel of land containing an area of 1.59 acres lying between the Kuleana of Kaukau and the boundary of Honokowai, beginning at an iron pipe at the S. W. corner of the lot on the E. side of the road, on the boundary of Honokowai, and 26.8 ft. 103°13' Az. from the pipe which marks the boundary of the Nauwele kuleana, and running—

231°42' Az. 103.8 ft. along Honokowai.
281°12' Az. 239.9 ft. along Nauwele kuleana to the pipe which marks the corner.
1°42' Az. 2.3 ft. along pipe.
281°42' Az. 313.6 ft. along Honokowai to an iron pipe.
189°14' Az. 112.1 ft. along fence of cane fields.
100°46' Az. 649.2 ft. along Kaukau kuleana to a redwood.
13°40' Az. 101.5 ft. along Gov. Road to I. P.

Parcel No. 5. All that certain piece or parcel of land situate in Kaanapali, County of Maui, Territory of Hawaii, being Apana 5 of those premises described in R. P. 4594 Grant No. 4260 to Kaluaiuka, and being the same premises conveyed to me by G. G. Seong in deed dated the 17th day of June A. D. 1924, recorded in the Office of the Registrar of Conveyances at Honolulu in Book 740 on Pages 463-464, containing an area of 38/100 of an acre.

[F. R. Doc. 48-8955; Filed, Oct. 7, 1948; 8:54 a. m.]

[Vesting Order 12075]

FRIDA WEBER HODGKINSON, ET AL.

In re: Frida Weber Hodgkinson, as trustee under the trust agreement dated December 30, 1944, and known as the "Weber Special Trust", plaintiff, vs. Marie Wieland, et al., defendants. File No. F-28-24244; E. T. sec. 16256.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Marie Wieland, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany),

2. That the sum of $7,261.53 was paid to the Attorney General of the United States by Herbert C. Paschen, Master in Chancery, in the matter of Frida Weber Hodgkinson, as trustee under the Trust Agreement dated December 30, 1944, and known as the "Weber Special Trust" Plaintiff, vs. Marie Wieland, et al., defendants;

3. That the said sum of $7,261.53 was accepted by the Attorney General of the United States on July 2, 1948, pursuant to the Trading with the Enemy Act, as amended;

4. That the said sum of $7,261.53 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany)

and it is hereby determined:

5. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property by acceptance as aforesaid.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 24, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 48-8911; Filed, Oct. 6, 1948; 8:53 a. m.]

[Vesting Order 12073, Amdt.]

MADELEINE RUOFF

Vesting Order 12073, dated September 23, 1948, is hereby amended nunc pro tunc to read as follows:

In re: Property of Mrs. Madeleine Ruoff, also known as Mrs. Madeleine duPont Ruoff.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Execu-

tive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mrs. Madeleine Ruoff, also known as Mrs. Madeleine duPont Ruoff, is a citizen of Germany, who, on or since the effective date of Executive Order 8389, as amended, and on or since December 11, 1941, was domiciled and resident in Germany and is a national of a designated enemy country (Germany),

2. That the property described as follows: All property in the United States of Mrs. Madeleine Ruoff, also known as Mrs. Madeleine duPont Ruoff, of any nature whatsoever, including all interests in trusts, estates, realty, tangible and intangible personalty and, particularly, the property described in Exhibit A, attached hereto and by reference made a part hereof,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany)

and it is hereby determined:

3. That the national interest of the United States requires that the said Mrs. Madeleine Ruoff, also known as Mrs. Madeleine duPont Ruoff, be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in Exhibit A, attached hereto and by reference made a part hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States, and

The direction, management, supervision and control of the property described in subparagraph 2 hereof, is hereby undertaken to the extent deemed necessary or advisable from time to time. This order shall not be deemed to limit the power to vary the extent of, or terminate, such direction, management, supervision or control.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 1, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

EXHIBIT A

1. All right, title and interest in, to and under those certain shares of preferred and common stock of corporations, bonds of corporations, and State, Municipal and other local obligations, held by Security Trust Company, 6th and Market Streets, Wilmington, Delaware, and Topken & Farley, 250 Park Avenue, New York 17, New York, for Mrs. Madeleine Ruoff, also known as Mrs. Madeleine duPont Ruoff.

2. All right, title and interest in and to all those certain debts or other obligations owing by Security Trust Company, 6th and Market Streets, Wilmington, Delaware, and Topken & Farley, 250 Park Avenue, New York 17, New York, to Mrs. Madeleine Ruoff, also known as Mrs. Madeleine duPont Ruoff.

3. All right, title, interest and estate, both legal and equitable, of Mrs. Madeleine Ruoff, also known as Mrs. Madeleine duPont Ruoff, in and to that certain tract or parcel of land situated in Montgomery County, Pennsylvania, more particularly described as follows:

All that certain lot or piece of ground with the messuage or tenement thereon erected, situate in Penn Wynne, Lower Merion Township, Montgomery County, Pennsylvania, on the northeast side of Harrogate Road at the distance of one hundred twenty-eight feet southeastward from a point or corner formed by the northeast side of Harrogate Road (if extended) with the southeast side of Hampstead Road (if extended) containing in front or breadth on the said Harrogate Road twenty-eight feet and extending of that width in length or depth northeastward between parallel lines at right angles to the said Harrogate Road one hundred feet, including on the rear twelve feet of a certain nineteen feet wide driveway which extends southeastward from Hampstead Road and communicates at its southeasternmost end with a certain other driveway fifteen feet wide which extends northeastward from Harrogate Road and southwestward from Henley Road. Being the same premises which Martin McWilliams, widower, by Indenture bearing date the twenty-ninth day of January A. D. 1929 and recorded at Norristown, in the office for the recording of Deeds in and for the County of Montgomery in deed book No. 1070 page 554 &c., granted and conveyed unto Effie C. Wilson, in fee.

4. All right, title, interest and claim of any kind or character whatsoever of Mrs. Madeleine Ruoff, also known as Mrs. Madeleine duPont Ruoff, in and to and arising out of or under that certain trust agreement dated April 16, 1937, by and between Security Trust Company; Madeleine duPont Ruoff, Bessie duPont Huidekoper, Victorine duPont Dent and Alfred V. duPont; Jessie Ball duPont, Reginald S. Huidekoper and Edward Ball, as executors under the Last Will and Testament and Codicils of Alfred I. duPont, deceased; and Jessie Ball duPont, Reginald S. Huidekoper, Edward Ball and the Florida National Bank of Jacksonville, trustees under the Last Will and Testament and Codicils of Alfred I. duPont, deceased, presently being administered by Security Trust Company, trustee, Wilmington, Delaware.

5. All right, title, interest and claim of any kind or character whatsoever of Mrs. Madeleine Ruoff, also known as Mrs. Madeleine duPont Ruoff, in and to and arising out of or under that certain trust agreement dated January 18, 1927, between Madeleine duPont Hiebler, grantor, and Security Trust and Safe Deposit Company, trustee, presently being administered by the Security Trust Company, successor trustee, Wilmington, Delaware.

6. All right, title, interest and claim of any kind or character whatsoever of Mrs. Madeleine Ruoff, also known as Mrs. Madeleine duPont Ruoff, in and to and arising out of or under that certain trust agreement dated September 26, 1905, by and between Alfred I. duPont, grantor; Bessie G. duPont; and Pierre S. duPont and George Quintard Horwitz, co-trustees, presently being administered by Security Trust Company, successor trustee, Wilmington, Delaware.

[F. R. Doc. 48-8914; Filed, Oct. 6, 1948; 8:54 a. m.]